

PROPOSED RULES

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

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

TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 10. UNIFORM MULTIFAMILY RULES

SUBCHAPTER F. COMPLIANCE MONITORING

10 TAC §10.612

The Texas Department of Housing and Community Affairs (the Department) proposes the amendment of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, Compliance Monitoring, §10.612 Tenant File Requirements.

The purpose of the proposed amendment is to update the rule to provide clarity with how adherence to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will be implemented for multifamily HOME, HOME-ARP, and National Housing Trust Fund properties in the Department's portfolio as required by the federal direction provided in the 2025 grant agreements issued by the United States Department of Housing and Urban Development (HUD). PRWORA provides that an alien who is not a qualified alien is not eligible for any federal public benefit.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for amendment because it is necessary to receive a source of federal funds or to comply with federal law.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT RE- QUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the amendment would be in effect:

1. The amendment does not create or eliminate a government program but relates to changes to an existing activity: the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) in the Department's HOME, HOME-ARP and NHTF properties.

2. The amendment does not require a change in work that creates new employee positions nor eliminates employee positions.

3. The amendment does not require additional future legislative appropriations.

4. The amendment will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The amendment is creating a new regulation because it is necessary to receive a source of federal funds or to comply with federal law.

6. The amendment is considered to expand an existing regulation.

7. The amendment does increase the number of individuals subject to the rule's applicability. Through this rule Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will be implemented for multifamily HOME, HOME-ARP and National Housing Trust Fund properties in the Department's portfolio as required by the federal direction provided in the 2025 grant agreements issued by the United States Department of Housing and Urban Development (HUD). PRWORA provides that an alien who is not a qualified alien is not eligible for any federal public benefit. Therefore, individuals not previously subject to this verification will now require verification of US Citizen, US National, or qualified alien status.

8. The amendment will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MI- CRO-BUSINESSES OR RURAL COMMUNITIES AND REG- ULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the amendment and determined that the amendment will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amendment does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the amendment as to its possible effects on local economies and has determined that for the first five years the amendment would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amendment is in effect, the public benefit anticipated as a result of the changed sections would be ensuring compliance with federal guidance and ensuring that federal public benefits are being received by qualified

aliens, US Nationals or US citizens. There will not be economic costs to individuals to comply with the amended section.

f. **FISCAL NOTE REQUIRED BY TEX. GOVT CODE §2001.024(a)(4).** Mr. Wilkinson has determined that for each year of the first five years the amendment is in effect, enforcing or administering the amendment may have some costs to the Department, to the extent that the Department needs to establish a staff member to assist properties in evaluating individuals for their qualified legal status.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The public comment period will be held January 30 to March 3, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. **ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, March 3, 2026.**

STATUTORY AUTHORITY. The amendment is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the amendment affects no other code, article, or statute.

§10.612. Tenant File Requirements.

(a) At the time of program designation as a low income household (or Qualified Population for HOME-ARP), typically at initial occupancy, Owners must create and maintain a file that at a minimum contains:

(1) A Department approved Income Certification form signed by all adults. At the time of program designation as a low income household or Qualified Population, Owners must certify and document household income. In general, all low-income households and Qualified Populations for HOME-ARP must be certified prior to move in. The Department requires the use of the TDHCA Income Certification form, unless the Development also participates in the USDA - Rural Development or a Project Based HUD Program, in which case, the other program's Income Certification form will be accepted;

(2) Documentation to support the Income Certification form including, but not limited to, applications (one per adult or married couple), first hand or third party verification of income and assets, and documentation of student status (if applicable). The application must provide a space for applicants to indicate if they are a veteran. In addition, the application must include the following statement: "Important Information for Former Military Services Members. Women and men who served in any branch of the United States Armed Forces, including Army, Navy, Marines, Coast Guard, Air Force, Reserves or National Guard, may be eligible for additional benefits and services. For more information please visit the Texas Veterans Portal at <https://veterans.portal.texas.gov/>";

(3) The Department permits Owners to use check stubs or other firsthand documentation of income and assets provided by the applicant or household in lieu of third party verification forms. It is not necessary to first attempt to obtain a third party verification form. Owners should scrutinize these documents to identify and address any

obvious attempts at forgery, alteration, or generation of falsified documents; [and]

(4) A lease with all necessary addendums to ensure that compliance with applicable federal regulations and §10.613 of this subchapter (relating to Lease Requirements);[-]

(5) For HOME, HOME-ARP Rental, and NHTF Developments, in accordance with §10.628 of this subchapter (relating to Verification of Occupant Legal Status for HOME, HOME-ARP Rental, and NHTF Developments) documentation to support that legal status of all persons signing the lease has been verified; and

(6) For HOME, HOME-ARP Rental, and NHTF Developments, in accordance with §10.628 of this subchapter an attestation signed by all parties signing the lease that they are not harboring an illegal immigrant in violation of federal law.

(b) Annually thereafter on the anniversary date of the household's move in or initial designation:

(1) Throughout the Affordability Period, all Owners of Housing Tax Credit, TCAP, and Exchange Developments must collect and maintain current data on each household that includes the number of household members, age, ethnicity, race, disability status, student status, and rental assistance (if any). This information can be collected on the Department's Annual Eligibility Certification form, the Income Certification form, HUD Income Certification form, USDA-Rural Development Income Certification form (as applicable).

(2) During the Compliance Period for all Housing Tax Credit, TCAP, and Exchange Developments and throughout the Affordability Period for all Bond Developments and HOME, TCAP RF, and HOME-ARP Units Owners must collect and maintain current student status data for each low-income household. This information must be collected within 120 days before the anniversary of the effective date of the original Income Certification and can be collected on the Department's Annual Eligibility Certification or the Department's Certification of Student Eligibility form or the Department's Income Certification form. Throughout the Compliance Period for HTC, TCAP, and Exchange developments, low-income households comprised entirely of full-time students must qualify for a HTC program exception, and supporting documentation must be maintained in the household's file. For Bond Developments, if the household is not an eligible student household, it may be possible to re-designate the full-time student household to an Eligible Tenant (ET). For HOME, TCAP RF, and HOME-ARP Units an individual does not qualify as a low income or very low income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR §5.612.

(3) The types of Developments described in subparagraphs (A) - (D) of this paragraph are required to recertify annually the income of each low-income household using a Department approved Income Certification form and documentation to support the Income Certification (see subsection (a)(1) - (2) of this section):

(A) Mixed income Housing Tax Credit, TCAP and Exchange projects (as defined by line 8(b) of IRS Form(s) 8609 and accompanying statements, if any) that have not completed the 15 year Compliance Period.

(B) All Bond Developments with less than 100% of the Units set aside for households with an income less than 50% or 60% of area median income. If subsequent legislation allows for the use of the Average Income minimum set aside for the Bond program, the income threshold will increase to 80% area median income.

(C) THTF Developments with Market Rate Units. However, THTF Developments with other Department administered programs will comply with the requirements of the other program.

(D) HOME, TCAP RF, NHTF, and HOME-ARP Developments. Refer to subsection (c) of this section.

(c) Ongoing tenant file requirements for HOME, TCAP RF, NHTF, and HOME-ARP Developments:

(1) HOME, TCAP RF, NHTF, and HOME-ARP Developments must complete a recertification with verifications of each assisted Unit every sixth year of the Development's Affordability Period. The recertification is due on the anniversary of the household's move-in date. For purposes of this section the beginning of a HOME, TCAP RF, NHTF, HOME-ARP Development Affordability Period is the effective date in the HOME, TCAP RF, NHTF, and HOME-ARP LURA. Example 612(1): A HOME Development with a LURA effective date of May 2020, will have the following years of the affordability period:

- (A) Year 1: May 15, 2020 - May 14, 2021;
- (B) Year 2: May 15, 2021 - May 14, 2022;
- (C) Year 3: May 15, 2022 - May 14, 2023;
- (D) Year 4: May 15, 2023 - May 14, 2024;
- (E) Year 5: May 15, 2024 - May 14, 2025;
- (F) Year 6: May 15, 2025 - May 14, 2026;
- (G) Year 7: May 15, 2026 - May 14, 2027;
- (H) Year 8: May 15, 2027 - May 14, 2028;
- (I) Year 9: May 15, 2028 - May 14, 2029;
- (J) Year 10: May 15, 2029 - May 14, 2030;
- (K) Year 11: May 15, 2030 - May 14, 2031; and
- (L) Year 12: May 15, 2031 - May 14, 2032.

(2) In the scenario described in paragraph (1) of this subsection, all households in HOME, TCAP RF, NHTF, and HOME-ARP Units must be recertified with source documentation during the sixth and twelfth years or between May 15, 2025, to May 14, 2026, and between May 15, 2031, and May 14, 2032.

(3) In the intervening years the Development must collect a self-certification within 120 days before the anniversary of the effective date of the original Income Certification from each household that is assisted with HOME, TCAP RF, NHTF, and HOME-ARP funds. The Development must use the Department's Income Certification form, unless the property also participates in the Rural Development or a project Based HUD program, in which case, the other program's Income Certification form will be accepted. If the household reports on their self-certification that their annual income exceeds the current 80% applicable income limit or there is evidence that the household's written statement failed to completely and accurately provide information about the household's characteristics and/or income, then an annual income recertification with verifications is required.

(d) Tenant File requirements for HOME-ARP Qualified Populations Units. Files for households assisted under the HOME-ARP program as Qualified Population must document evidence that the households meet the definition of:

- (1) Homeless as defined in 24 CFR §91.5;
- (2) At-risk of homelessness as defined in 24 CFR §91.5;

(3) Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined in CPD Notice 21-10;

(4) Other Families Requiring Services or Housing Assistance to Prevent Homelessness, which are households who have previously been qualified as homeless, are currently housed due to temporary, or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness;

(5) At Greatest Risk of Housing Instability as cost burdened, which are households who have an annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e. is paying more than 50% of monthly household income toward housing costs.); or

(6) At Greatest Risk of Housing Instability, which meets the definition of at-risk of homelessness as defined in 24 CFR §91.5, but with an income up to 50% AMI.

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

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

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Bobby Wilkinson
Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: February 22, 2026

For further information, please call: (512) 475-3959



10 TAC §10.628

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F Compliance Monitoring, §10.628 Verification of Occupant Legal Status for HOME, HOME-ARP Rental and NHTF Developments. The purpose of the proposed rule is to update the rule to provide clarity with how adherence to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will be implemented for multifamily HOME, HOME-ARP Rental and National Housing Trust Fund properties in the Department's portfolio as required by the federal direction provided in the 2025 grant agreements issued by the United States Department of Housing and Urban Development (HUD). PRWORA provides that an alien who is not a qualified alien is not eligible for any federal public benefit.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for amendment because it is necessary to receive a source of federal funds or to comply with federal law.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) in the Department's HOME, HOME-ARP Rental and NHTF properties.

2. The rule may require a change in work that could require the creation of approximately 1-2 new employee positions to perform the tenant verifications, however there are sufficient federal administrative funds to support this activity.

3. The new section does not require additional future legislative appropriations.

4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The new section is creating a new regulation because it is necessary to receive a source of federal funds or to comply with federal law.

6. The new section is considered to expand on an existing regulation.

7. The new section does increase the number of individuals subject to the rule's applicability. Through this rule Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will be implemented for multifamily HOME, HOME-ARP Rental and National Housing Trust Fund properties in the Department's portfolio as required by the federal direction provided in the 2025 grant agreements issued by the United States Department of Housing and Urban Development (HUD). PRWORA provides that an alien who is not a qualified alien is not eligible for any federal public benefit. Therefore, individuals not previously subject to this verification will now require verification of US Citizen, US National, or qualified alien status.

8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOVT CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOVT CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOVT CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOVT CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be ensuring compliance with federal guidance and ensuring that

federal public benefits are being received by qualified aliens, US Nationals, or US citizens.

f. FISCAL NOTE REQUIRED BY TEX. GOVT CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the Department, to the extent that the Department needs to establish a staff member to assist properties in evaluating individuals for their qualified legal status.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The public comment period will be held January 30 to March 3, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, March 3, 2026.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

§10.628. Verification of Occupant Legal Status for HOME, HOME-ARP Rental, and NHTF Developments.

(a) Purpose. The purpose of this section is to provide uniform Department guidance on the applicability and implementation of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which provides that an alien who is not a Qualified Alien is not eligible for any federal or state public benefit.

(b) Applicability. This rule applies to existing and future National Housing Trust Fund, HOME-ARP Rental and HOME Developments for their state and federal affordability periods. For Developments with floating HOME, HOME-ARP Rental and NHTF Units, all prospective tenants intended to be on any Unit's lease must be verified as required by this section. For Developments with fixed HOME, HOME-ARP Rental and NHTF Units only prospective tenants intended to be on the lease for the fixed Units must be verified as required by this section. Populations that are documented by the Development as covered by the Violence Against Women Act (VAWA) or the Family Violence Prevention and Services Act (FVPSA) are excepted from having verification under this rule performed, unless required to do so under federal guidance.

(c) Definitions. The words and terms in this chapter shall have the meanings described in this subsection unless the context clearly indicates otherwise. Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Title that govern the program under which program eligibility is seeking to be determined or assigned by federal or state law.

(1) Qualified Alien--A person that is not a U.S. Citizen or a U.S. National and is described at 8 U.S.C. §1641(b) or (c).

(2) State--The State of Texas or the Department, as indicated by context.

(3) Systematic Alien Verification for Entitlements (SAVE)-Automated intergovernmental database that allows authorized users to verify the immigration status of program applicants.

(d) Owners must verify U.S. Citizen, U.S. National, or Qualified Alien status ("legal status") using the methods provided for in subsection (f) of this section for all residents that will be signing the lease.

(e) Implementation Timing. All HOME, HOME ARP Rental, and NHTF Developments must confirm legal status at initial lease-up of a Unit and at the time of the first Unit recertification or lease renewal that occurs after the effective date of this rule. Verification does not need to be confirmed thereafter for a household if no changes to the household members having signed the lease have changed; any new signatories to the lease at the time of subsequent Unit recertification or lease renewal must be confirmed for legal status. To the extent that the household no longer qualifies to reside in the Unit notification requirements as provided for in §10.613 of this title (relating to Lease Requirements), must be met.

(f) Verification Process Under PRWORA.

(1) Owners must verify legal status through the use of several established documents as described more fully in guidance provided by the Department. If unable to verify legal status of each person signing the lease with those documents the Owner must utilize the SAVE system as described in this subsection. Verification of a Household member under Section 214 of the Housing and Community Development Act of 1980, as amended, will satisfy verification for purposes of this section.

(2) If unable to verify legal status of each person signing the lease with those documents, Owners authorized to utilize the SAVE system are required to ensure compliance with the verification requirement as provided for in subparagraph (A) of this paragraph. If an Owner is not authorized to utilize the SAVE system, Owners must select an option under subparagraphs (B) or (C) of this paragraph. Records must be maintained as required by subparagraph (D) of this paragraph.

(A) The Owner electing to perform the verifications through the SAVE system, if authorization is permitted by USCIS; OR

(B) Owner requesting from the household and transmitting to the Department, or a party contracted by the Department, sufficient information or documentation so that the Department or its vendor can perform such verification and provide a determination to the Owner; OR

(C) Owner electing to procure an eligible qualified organization or service to perform such verifications on its behalf, subject to Department approval.

(D) In the administration of subparagraph (B) of this paragraph, the Owner must provide and maintain a sufficient method of electronic transmittal system that allows for such information to be provided to the Department or its vendor, and ensures the secure safe-keeping of such paper and/or electronic files, and receipt of subsequent response back from the Department or its contracted party. In the administration of subparagraphs (B) or (C) of this paragraph, the Owner or its procured provider must maintain sufficient evidence and documentation that verification has taken place so that such verification can be confirmed by the Department.

(E) Notification of Election of method under subparagraph (B) or (C) of this paragraph by Owners must be provided to the Department as specified in this subparagraph.

(i) For existing Developments no later than 60 days after the effective date of this rule, an Owner shall submit their elec-

tion under subparagraph (B) or (C) of this paragraph in writing to the Compliance division.

(ii) For newly constructed/reconstructed Developments, an Owner must make their election under subparagraph (B) or (C) of this paragraph in its Application, or if there is no Application prior to the issuance of certificates of occupancy.

(iii) For an incoming Owner, an election must be made as part of the Ownership Transfer Notification, as part of 10 TAC §10.406.

(iv) Once an election is made under this subsection it does not need to be resubmitted or reelected, but will continue from the election made in the prior year unless the Owner notifies the Department otherwise in writing at least one month prior to the implementation of the change at the Development.

(g) The Department may further describe an Owner's responsibilities under PRWORA, including but not limited to use of the SAVE system, in its Contract or in further guidance. Nothing in this rule shall be construed to be a waiver, ratification, or acceptance of noncompliant administration of a program prior to the rule becoming effective.

(h) Regardless of method of verification, the results of the verification performed or received by the Owner must be utilized by the Owner in determining household eligibility.

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

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

TRD-202600062

Bobby Wilkinson
Executive Director

Texas Department of Housing and Community Affairs
Earliest possible date of adoption: February 22, 2026

For further information, please call: (512) 475-3959



TITLE 13. CULTURAL RESOURCES

PART 7. STATE PRESERVATION BOARD

CHAPTER 111. RULES AND REGULATIONS OF THE BOARD

13 TAC §111.27

INTRODUCTION: The State Preservation Board (SPB) proposes the amendment of 13 TAC §111.27(b)(2), concerning General Rules for Use of the Capitol, Capitol Extension, and Capitol Grounds. Section 111.27 is being amended to change the terminology from "seeing eye" dogs to "service" dogs.

The SPB proposes the amendment in response to SB 2333, 88 Reg. which changes the language in Texas Government Code §443.018(b) and requires the same change to the Texas Administrative Code.

Fiscal Note: Ms. Cindy Provine, Chief Financial Officer, has determined for each year of the first five years the proposed amendment is in effect, there will be no adverse fiscal impact to state

or local governments because of this proposal. There will be no measurable effect on local employment or the local economy because of the proposal. Therefore, a local employment impact statement under Government Code §2001.022 is not required.

Public Benefit/Cost Note: Ms. Provine has also determined that for each year of the first five years the proposal amendment is in effect, there is no change to public benefit. She has further determined that there will be no economic cost to any member of the public or any other public or private entity.

Government Code §2001.0045 requires a state agency to offset any costs associated with a proposed rule by (1) repealing a rule imposing a total cost that is equal to or greater than that of the proposed rule; or (2) amending a rule to decrease the total costs imposed by an amount that is equal to or greater than the cost of the proposed rule. As described above, the SPB has determined that the proposed amendment will not impose any cost on anyone, and so §2001.0045 does not apply.

Government Growth Impact Statement: Government Code §2001.0221 requires that a state agency prepare a government growth impact statement that reasonably describes what effects a proposed rule may have during the first five years it is in effect. The SPB has determined that the proposed amendment will not create or eliminate a government program, and will not require an increase or decrease in fees paid to the agency. Implementation of the proposal will not require the creation or elimination of employee positions and will not require an increase or decrease in further legislative appropriations to the agency. The proposal does amend an existing procedural rule regarding voluntary conduct, but it does not create a new prescriptive or proscriptive regulation, or expand, limit, or repeal such a regulation. Though the public's ability to seek to display exhibits in the Capitol through this program will be eliminated, the regulation was not prescriptive. Thus, the number of individuals whose conduct is subject to the rule's applicability is neither increased nor decreased by the proposal, and the proposal has no impact on the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis: The SPB has determined the proposed rule amendment will not have an economic effect on small businesses, micro businesses, or rural communities. Therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code §2006.002(c).

Takings impact assessment: The SPB has determined that this proposal affects no private real property interests and does not restrict or limit an owner's right to property that would exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

Request for Public Comment: To comment on the proposal, submit written comments by 5:00 p.m. (Central) on February 23, 2026 to spbadmin@tspb.texas.gov. Please add the words Rule Comments in the subject line. A request for public hearing must be in writing and sent separately from any written comments. Send these requests to spbadmin@tspb.texas.gov.

Statutory Authority: This action is requested under Texas Government Code §443.007(b), which authorizes the SPB to adopt rules concerning certain buildings, their contents, and their grounds.

The proposed amendment affects no other code, article, or statute.

§111.27. General Rules for Use of the Capitol, Capitol Extension, and Capitol Grounds.

(a) Visitors and persons using the Capitol, Capitol extension, or Capitol grounds for any purpose are prohibited from:

(1) attaching signs, banners, or other displays to a part of the Capitol or to a structure, including a fence, on the grounds of the Capitol except as approved by the board;

(2) placing furniture in the Capitol or on the grounds of the Capitol for a period that exceeds 24 hours except as approved by the board;

(3) setting up or placing camping equipment, shelter, tents, or related materials in the Capitol or on the grounds of the Capitol except as approved by the board for special events;

(4) blocking ingress and egress:

(A) into the Capitol; or

(B) into rooms or hallways within the Capitol, except as approved by the board;

(5) conducting actions that pose a risk to safety;

(6) smoking in the public areas of the Capitol and Capitol extension;

(7) bringing balloons into the Capitol or Capitol extension; and

(8) riding, leading, placing or displaying livestock, including but not limited to equine and bovine animals, except as approved by the board as part of a scheduled event, or as needed for security purposes.

(b) Visitors and persons using the Capitol, Capitol extension, or Capitol grounds for any purposes shall be required to:

(1) leave the Capitol when the building is closed to the public; and

(2) restrain pets at all times on a leash or similar device in the immediate control of the owner while on the grounds of the Capitol, except as approved by the board. All pets except service dogs [Seeing Eye] are not permitted in the Capitol.

(c) The board may require and collect a standardized fee from a person or entity that uses the Capitol, the Capitol extension, or the grounds of the Capitol for an event, exhibit, or other scheduled activity. The fee is in an amount set by the board designed to recover the estimated direct and indirect costs to the state of the event, exhibit or activity, including the costs of labor, materials, and utilities directly or indirectly attributable to the event, exhibit, or activity. The office of the State Preservation Board shall set the amounts of fees required under this section in a uniform and nondiscriminatory manner for similar events, exhibits, or other scheduled activities.

(d) Except as provided by this subsection, the sale or consumption of alcoholic beverages, the possession of an open container of an alcoholic beverage, or the gift of an alcoholic beverage in an open container or for on-premises consumption is prohibited in the Capitol, in the Capitol extension, and on the Capitol grounds. This prohibition does not apply to:

(1) areas not under the control of the board, including offices, reception areas, and similar areas under the control of the legislature, a legislative agency, the governor, or another state officer; or

(2) events of significant importance to the history of the Capitol that are conducted in areas under the control of the board and for which the office of the State Preservation Board has approved con-

sumption of alcoholic beverages in response to a written request from the sponsor of the event that documents the importance of the event to the history of the Capitol.

(e) The buildings and grounds under the authority of the board shall not be used for the commercial benefit of any individual, business, corporation, special interest group or other entity.

(f) For the safety of the public, skateboarding, roller skating, roller blading, and related activities are prohibited in the building, garages, and grounds under the authority of the State Preservation Board.

(g) TV satellite trucks may not park on the Capitol drive. TV transmission cables may not be brought into the Capitol or Capitol extension.

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

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TRD-202600043

Leslie Pawelka
General Counsel
State Preservation Board

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For further information, please call: (512) 463-5495

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TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT

SUBCHAPTER C. LICENSE APPLICATIONS AND RENEWALS

16 TAC §60.39

The Texas Department of Licensing and Regulation (Department) proposes new rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter C, §60.39, regarding Procedural Rules of the Commission and the Department. These proposed changes are referred to as "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 60, implement Texas Occupations Code, Chapter 51, Texas Department of Licensing and Regulation.

The proposed rules establish a process for verifying an applicant's eligibility for licensure or license renewal under Title 8, Chapter 14 of the United States Code when the applicant is selected for verification. Federal law restricts eligibility for certain state and local public benefits, including professional and commercial licenses, based on an individual's citizenship or immigration status.

The proposed rules are necessary to ensure that the Department can verify applicant eligibility in a manner consistent with applicable federal requirements while maintaining the security and integrity of the licensing process. The proposed rules iden-

tify acceptable forms of documentation that may be used to establish eligibility and authorize the Department to require such documentation when verification is necessary, preserving flexibility and minimizing unnecessary burden on applicants. The proposed rules also clarify the consequences of an applicant's failure to provide sufficient documentation.

SECTION-BY-SECTION SUMMARY

The proposed rules add new §60.39, Verification of Applicant Eligibility.

Subsection (a) requires the Department to verify an applicant's eligibility for licensure or license renewal under Title 8, Chapter 14 of the United States Code when the applicant is selected for verification pursuant to Department procedures designed to protect the integrity of the licensing process.

Subsection (b) provides that an applicant selected for verification must submit documentation establishing eligibility before a license may be issued or renewed and identifies categories of documents that the Department may accept as evidence of eligibility, subject to verification as necessary.

Subsection (c) defines "certified birth certificate" for purposes of eligibility verification and specifies acceptable United States birth and birth-abroad documentation.

Subsection (d) clarifies that an applicant's failure to provide sufficient documentation of eligibility may result in denial of the application.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments.

LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be ensuring compliance with applicable federal law governing eligibility for professional and commercial licensure and reducing the risk of issuing licenses in violation of federal law.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

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

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rules. For each year of the first five years the proposed rules will be in effect, the agency has determined the following:

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rules do not require an increase or decrease in fees paid to the agency.
5. The proposed rules do create a new regulation. The proposed rules require TDLR to verify an applicant's eligibility for an initial or renewal license under federal law and require a license applicant to provide documentation demonstrating that eligibility.
6. The proposed rules do not expand, limit, or repeal an existing regulation.
7. The proposed rules do increase or decrease the number of individuals subject to the rules' applicability. The proposed rules increase the number of individuals subject to the rules' applicability because applicants selected for verification would be required to provide sufficient documentation establishing eligibility.
8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

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

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

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

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at https://ga.tdlr.texas.gov:1443/form/Ch60_Rule_Making; by facsimile to (512) 475-3032; or by mail to Monica Nuñez, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The proposed rules are also proposed under Title 8, Chapter 14 of the United States Code.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapter 51, and the program statutes for all the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code §51.308, §29.902, and Chapter 1001 (Driver Education and Safety); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediaters); 2001 (Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); Transportation Code, Chapters 521 (Driver Education and Safety); 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety); and Utilities Code, Chapter 42 (Electric Vehicle Charging Stations). No other statutes, articles, or codes are affected by the proposed rules.

§60.39. Verification of Applicant Eligibility.

(a) The department shall verify an applicant's eligibility for a license or license renewal under Title 8, Chapter 14 of the United States Code when the applicant is selected for verification pursuant to proce-

dures established by the department to protect the security and integrity of the licensing process.

(b) An applicant selected for verification pursuant to subsection (a) must provide documentation establishing eligibility before the department may issue a license or grant a license renewal. The department shall accept the submission of one or more of the following documents as evidence of eligibility, subject to any verification required by the department:

(1) a REAL ID-compliant driver license or identification card issued by a state or territory of the United States, unless marked "Limited Term" or "Temporary";

(2) a United States passport or passport card;

(3) a certified birth certificate, accompanied by an unexpired driver's license or identification card issued by a state that requires verification of the applicant's lawful presence prior to the issuance of such license or card;

(4) a United States military identification card;

(5) a handgun license issued by the Texas Department of Public Safety; or

(6) an identification or immigration-related document issued by the United States Department of Homeland Security, United States Citizenship and Immigration Services, or the United States Department of State confirming the applicant's lawful presence and authorization to work.

(c) For the purposes of subsection (b)(3), "certified birth certificate" means:

(1) an original birth certificate issued by the appropriate vital statistics agency of a United States state or territory, or the District of Columbia, indicating birth in the United States; or

(2) an original United States government-issued document indicating birth of a child born abroad to a United States citizen, including a Consular Report of Birth Abroad (form FS-240), Certification of Report of Birth (form DS-1350), or Certificate of Birth Abroad (form FS-545).

(d) An applicant's failure to provide sufficient documentation of eligibility may result in denial of the application pursuant to Subchapter I of these rules.

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

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

TRD-202600081

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 475-4879



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §2.6

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter A, §2.6, concerning Administrative Completeness. Specifically, this amendment establishes clearer criteria that would warrant withdrawing and resubmitting an application for a new degree program based on changes made to the proposal after it is deemed administratively complete by the Coordinating Board.

Texas Education Code, §61.0512, requires the Coordinating Board to specify by rule the elements that constitute a completed application, make a determination of administrative completeness for each application, and review each application based on specific criteria including adequate financing.

Amendments to subsection (c) are designed to clarify for Board staff and institutions what type of information is required for an application to be administratively complete. Requests for additional program information may occur after a program is administratively complete and will not delay a request from being deemed administratively complete.

New subsection (e) specifies changes that significantly alter a proposed budget, intended labor market outcomes, academic focus, or other significant changes.

New subsection (f) requires that institutions obtain documentation of governing board approval of a revised degree program proposal submitted under subsection (e).

Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clearer criteria that would warrant withdrawing and resubmitting an application for a new degree program.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create a new rule;

- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHACComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.0512, which requires the Coordinating Board to specify by rule the elements that constitute a completed application, make a determination of administrative completeness for each application, and review each application based on specific criteria including adequate financing.

The proposed amendment affects Texas Administrative Code, Chapter 2, Subchapter A.

§2.6. Administrative Completeness.

(a) An institution shall [must] submit a complete [fully completed] application for each proposed program for which approval is required that includes:

- (1) each element or item of information required by this subchapter;
- (2) each element or item of information required by the subchapter in this chapter governing the type of program approval required;
- (3) the required Board form for the type of program approval required; and
- (4) fully executed certifications.

(b) Board Staff shall determine whether an application is administratively complete and notify the institution not later than the fifth business day after receipt.

(1) If Board Staff determines an application is administratively complete, the institution shall be notified on that date and the one-year timeline for approval required by Texas Education Code 61.0512(a) shall begin.

(2) If Board staff determines an application is administratively incomplete, the application will be rejected, and the institution will be notified of the missing application elements.

(3) An institution may resubmit an application that was rejected as incomplete at any time. The resubmission will be considered a new application.

(c) Significant revisions related to the General Criteria for Program Approval, as defined in §2.5 of this subchapter (relating to General Criteria for Program Approval), made to a new degree program proposal after Board Staff determines an application to be administratively complete shall render the application to be incomplete and require resubmission of a new application. Significant revisions, as determined by the Assistant Commissioner, include:

(1) Revisions that result in significant alterations of the original proposed budget including, but not limited to:

- (A) New costs or funding streams;

- (B) Changes to enrollment projections;
- (C) Changes to student funding, tuition, or fees;
- (D) Changes to the faculty or staff hiring schedule; or
- (E) Addition of, or changes to, resources or facilities required to administer the degree program.

(2) Revisions to the curriculum that significantly alter the academic focus or intended labor market outcomes for students enrolled in the degree program; or

(3) Other significant changes that result in the proposed program no longer meeting the criteria defined in §2.5(a)(5) of this subchapter.

(d) A resubmitted application submitted under the requirements of subsection (c) of this section shall require documentation of approval of the revisions from the institution's governing board.

[e) If Board Staff determines that the application is incomplete or additional information or documentation is needed, the institution must respond with all of the requested information or documentation within ten business days or the request will be deemed incomplete and returned to the institution.]

[d) An institution may resubmit an application that was returned as incomplete as soon as it has obtained the requested information or documentation. This submission will be considered a new application.]

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

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6182



CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §4.10

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter A, §4.10, concerning Common Admission Application Forms. Specifically, this amendment will add the definition for private or independent institution of higher education and align language with legislative requirements related to Free College Application Week.

Texas Education Code, §51.762, provides the Coordinating Board with the authority to adopt rules for the Common Admission Application Forms, and §61.0731, provides the Coordinating Board with the authority to establish rules to implement Free College Application Week.

Rule 4.10, Common Admission Application Forms, is amended to add the definition for private or independent institution of higher education and align language with legislative requirements related to Free College Application Week.

Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the addition of a definition for private or independent institutions of higher education and alignment of language with legislative requirements related to Free College Application Week. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, P.O. Box 12788, Austin, Texas 78711-2788, or via email at collegeandcareereadvising@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 51.762, which provides the Coordinating Board with the authority to adopt rules for the Common Admission Application Forms, and Section 61.0731, which provides the Coordinating Board with the authority to establish rules to implement Free College Application Week.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter A.

§4.10. Common Admission Application Forms.

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings:

(1) Apply Texas Advisory Committee--An advisory committee composed of representatives of general academic teaching institutions, community college districts, public state colleges, and public technical institutes, authorized by Texas Education Code, §51.762 and established in accordance with Board rules, Chapter 1, Subchapter G, §§1.128 - 1.134 of this title (relating to Apply Texas Advisory Committee), to provide the Texas Higher Education Coordinating Board assistance in developing and implementing admissions application forms and procedures.

(2) Apply Texas System--The state's system for applying for admission to Texas public institutions of higher education. The System includes an access portal for completing common application forms; help desks to provide users assistance; and a portal through which Texas high school counselors access status data regarding student progress in applying for admission to and financial aid for college.

(3) Private or Independent Institutions of Higher Education--As defined by Texas Education Code, §61.003.

(b) Acceptance of Admission Applications.

(1) Public community colleges, public state colleges, and public technical institutes shall accept, and prominently post on their website freshman and all relevant undergraduate [transfer] applications submitted using the Board's electronic common admission application forms.

(2) General academic teaching institutions shall accept and prominently post on their website freshman and all relevant undergraduate [transfer] applications submitted using either the Board's electronic common admission application or printed forms.

(3) Private or independent institutions of higher education that use the Common Application Form shall accept and make available on their website all applicable undergraduate applications submitted using the Board's electronic common admission application forms.

(c) Common Application Forms.

(1) General application information provided on the common application form shall include:

- (A) biographical information including gender, ethnicity, and date of birth;
- (B) educational information including coursework, extracurriculars, community and volunteer service, and awards/honors;
- (C) residency; and
- (D) certification of information.

(2) Adjustments to Paper Forms. When sending a printed common application form to a student with or without other materials, an institution shall not alter the form in any way and shall include instructions for completing the form, general application information, and instructions for accessing a list of deadlines for all institutions.

(d) Outreach to Public High Schools.

(1) The Coordinating Board shall seek advice and recommendation(s) from high school counselors representative of diverse Texas public school districts regarding the common application and the Apply Texas System.

(2) The Coordinating Board shall ensure that copies of the freshman common admission application forms and information for their use are available to appropriate personnel at each Texas public high school. The Coordinating Board will work with institutions and

high schools to ensure that all high schools have access to either the printed or electronic common application forms.

(e) Data to be Collected.

(1) Common application forms are to include questions needed for determining an applicant's residence status with regard to higher education and other information the Board considers appropriate.

(2) Each general academic teaching institution, public community college, public state college, and public technical institute shall collect information regarding gender, race/ethnicity, and date of birth as part of the application process and report this information to the Coordinating Board. Common application forms do not have to be the source of those data.

(3) Institutions of higher education may require an applicant to submit additional information within a reasonable time after the institution has received a common application form.

(f) Publicity. The Board shall publicize in both electronic and printed formats the availability of the common admission forms.

(g) Subcontract for Technical Support. The Coordinating Board shall enter into a contract with a public institution of higher education or third-party vendor to maintain the electronic common application system for use by the public in applying for admission to participating institutions and for distribution of the electronic application to the participating institutions designated by the applicant.

(h) Costs.

(1) Participating institutions may charge a reasonable fee for the filing of a common application form.

(2) Operating costs of the system may be paid for by all institutions required to use the common application plus independent and health-related institutions that contract to use the electronic application.

(3) Each participating institution may pay a portion of the cost based on the percentage of its enrollment compared to the total enrollment of all participating institutions based on the certified enrollment data of the most recent fall semester. The Coordinating Board will monitor the cost of the system and notify the institutions on an annual basis of their share of the cost. Billings for the services for the coming year will be calculated and sent to the institutions by September 1 of each fiscal year and payments must be received no later than December 1 of each fiscal year.

(4) The Coordinating Board may send participating institutions reminders of payment amounts and the due date. Institutions failing to pay their share of the cost by the due date may be denied access to in-coming application data until such time that payments are received.

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

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TRD-202600066

Douglas Brock
General Counsel

Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6226



SUBCHAPTER C. TEXAS SUCCESS INITIATIVE

19 TAC §4.52

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter C, §4.52, concerning Applicability. Specifically, this amendment will reinstate the applicability of Texas Success Initiative (TSI), so institutions of higher education may follow best practices in assessing high school students regarding their readiness to engage with college-level coursework, to enable appropriate placements, and to provide targeted and aligned interventions and support to help ensure students' positive experiences with, and successful completion of, the college course.

Texas Education Code, Section 51.344, provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapter 51, Subchapter F-1, concerning the Texas Success Initiative.

Rule 4.52, Applicability, is amended by deleting §4.52(4) for the purpose to reinstate the applicability of TSI to all high school students, so institutions of higher education may follow best practices in assessing students regarding their readiness to engage with college-level coursework, to enable appropriate placements, and to provide targeted and aligned interventions and support to help ensure students' positive experiences with, and successful completion of, the college course.

Daniel R. Perez, Assistant Commissioner for Academic Innovation and Success, has determined that for each year of the first five years the section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel R. Perez, Assistant Commissioner for Academic Innovation and Success, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased efficiency and effectiveness of student assessment and placement. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Suzanne Morales-Vale, Senior Director, P.O. Box 12788, Austin, Texas 78701, or Suzanne.Morales-Vale@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under the Texas Education Code, Section 51.344, which provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapter 51, Subchapter F-1, concerning the Texas Success Initiative.

The proposed amendment affects Texas Education Code, Chapter 51, Subchapter F-1.

§4.52. Applicability.

(a) Except as set out in subsection (b) of this section, this subchapter applies to each entering undergraduate student not otherwise exempt under §4.54 of this subchapter (relating to Exemption).

(b) This subchapter does not apply to the following students, and an institution shall not require these students to demonstrate college readiness pursuant to this subchapter. To verify qualification under §4.52(b)(7)(8)(9), eligibility should be determined at each registration period. The following figure contains the full list of student categories to whom this subchapter does not apply.

Figure: 19 TAC §4.52(b)

[Figure: 19 TAC §4.52(b)]

(1) A student who has earned an associate or baccalaureate degree from an institution of higher education;

(2) A student who transfers to an institution of higher education from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework in the corresponding subject area, as transcribed or otherwise determined by the receiving institution;

(3) A student who is enrolled in a certificate program of one year or less at a public junior college, a public technical institute, or a public state college;

[4) A student enrolled in high school who is a non-degree-seeking student as defined in §4.53(8) of this subchapter (relating to Definitions);]

(4) [5) A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States; [or]

(5) [6) A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States; or

(6) [7) A student who is:

(A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and

(B) employed more than 20 hours a week by a political subdivision, according to Texas Local Government Code §172.003;

(7) [8) A student who is employed more than 20 hours a week as fire protection personnel by Section 419.021, Government Code; or

(8) [9) A student who is elected, appointed, or employed more than 20 hours a week to serve as a peace officer described by Article 2A.001, Code of Criminal Procedure, or other law.

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

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

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Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6299



CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER L. TOWARD EXCELLENCE, ACCESS, AND SUCCESS (TEXAS) GRANT PROGRAM

19 TAC §§22.226 - 22.230, 22.233 - 22.236, 22.241

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to, Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter L, §§22.226 - 22.230, 22.233, 22.234, 22.236, 22.241, and new §22.235, concerning the Toward EXcellence, Access, and Success (TEXAS) Grant Program (Program). Specifically, the amendments and new section will amend definitions, student eligibility, prioritization criteria, and program allocations to ensure alignment with statutory changes made by House Bill (HB) 3041, 89th Texas Legislature, Regular Session, which became effective June 20, 2025, as well as Riders 24 and 60 in the Coordinating Board's bill pattern of the General Appropriations Act (Senate Bill 1), 89th Texas Legislature, Regular Session. The Coordinating Board convened a negotiated rulemaking committee to consider proposed amendments to §22.233 and §22.236, and the proposed new §22.235. The committee reached consensus on all items, and, unless otherwise stated, the proposed rule substantively reflects the committee's determinations. The Coordinating Board will make reports of negotiated rulemaking committees available upon request.

The Coordinating Board is authorized by Texas Education Code, §56.303, to adopt rules necessary for the administration of the Program.

Rule 22.226, Definitions, is amended by replacing the term "continuation grant" with the more conventionally used "renewal grant" and by adding the terms "nontraditional secondary education" and "priority Student Aid Index level." Conforming changes are made throughout the subchapter to reflect the change in terminology to "renewal grant." The definition of "nontraditional secondary education," included to implement HB 3041, 89th Texas Legislature, Regular Session, aligns with the

definition for the same term in TEC, §51.9241. The definition of "priority Student Aid Index level" refers to the level described by TEC, §56.303(e), and calculated each year by the Coordinating Board. Additional references to this figure in the proposed rule warrant the creation of a defined term to ensure consistent usage. Nonsubstantive changes are made to the definition of "Target Grant Amount" to update a rule reference to reflect changes to program allocations and to the definition of "Tuition" to replace an outdated rule reference.

Rule 22.227, Eligible Institutions, is amended to make conforming changes relating to the term "renewal grant."

Rule 22.228, Eligible Students, is amended by adding reference in subsection (a)(6)(A) to students who successfully completed a nontraditional secondary education, ensuring these students are considered eligible consistent with HB 3041, 89th Texas Legislature, Regular Session. Subsection (d) is added to codify the Coordinating Board's existing practice of considering a student enrolled in combined baccalaureate-master's degree programs as "enrolled in a baccalaureate program" (and therefore potentially eligible for the Program), provided the student's institution considers the student an undergraduate for federal financial aid purposes. Other nonsubstantive and conforming changes are included to improve the readability of the rule.

Rule 22.229, Satisfactory Academic Progress, is amended by eliminating subsection (b)(3), which had been inadvertently retained during prior rule revisions. This provision cannot apply to a student as the Program is currently administered, and its elimination does not represent a change in administration of the Program. Other nonsubstantive and conforming changes are included to improve the readability of the rule. Similarly, subsection (d) also is unnecessary, as a student's completion rate is no longer calculated as part of satisfactory academic progress criteria for this program, and is eliminated.

Rule 22.230, Discontinuation of Eligibility or Non-Eligibility, is amended to make conforming changes relating to the term "renewal grant."

Rule 22.233, Priority in Grants to Students, is amended by adding additional priority considerations to conform with the requirements of Riders 24 and 60 of the General Appropriations Act (Senate Bill 1), 89th Texas Legislature, Regular Session. Subsection (b) is added, directing institutions to prioritize students who graduated in the top 25 percent of their high school graduating class in one of the two prior years for initial year grants. This provision, as proposed, deviates slightly from the determination of the negotiated rulemaking committee; whereas the committee reached consensus on proposed rule language that allowed for institutions to determine which students met the top 25 percent standard, the Coordinating Board has revised this language to instead allow for an institutional policy for determining top 25 percent status for students whose high schools do not rank students. This aligns with the requirements of Rider 24 and conforms to the legislative intent of providing greater predictability in the offering of state financial aid to high-performing students.

Subsection (c) is added, directing institutions to prioritize students who establish initial year eligibility via the Texas Educational Opportunity Grant (TEOG) pathway described by §22.228(a)(6)(D), which implements the legislative intent regarding predictability associated with Rider 60.

Subsections (f) and (g) are added to further clarify expectations related to top 25 percent and TEOG pathway students. Subsec-

tion (f) states that each institution shall ensure that all eligible students who graduate in the top 25 percent of their high school class, have a Student Aid Index at or below the priority level described by §22.233(e), and apply for financial aid before the June 1 receive an initial year grant. The negotiated rulemaking committee reached consensus on this subsection using the state priority deadline as the deadline by which a student must apply for financial aid to be considered for the guarantee described by subsection (f). After the committee convened, however, the Coordinating Board determined that using the priority deadline for this purpose was misaligned with the legislative intent of Rider 24. Use of June 1 preserves the committee's preference for a deadline for resource allocation purposes but aligns with both the legislative intent of the Rider (by occurring after the vast majority of applicable students would have graduated high school and could demonstrate having graduated in the top 25 of their class) and aligns with the graduation requirement described by TEC, §28.0256.

Similarly, subsection (g) states that each institution shall ensure that all eligible students qualifying via the TEOG pathway and who have a Student Aid Index at or below the priority level receive an initial year grant, specifying that institutions may use any funds (not only the restricted funds allocated via §22.235) to accomplish this requirement.

Subsection (h) is amended to include references to students who complete a nontraditional secondary education. These students are still subject to the priority model described by subsection (h), as they can plausibly meet three of the four listed criteria (only two must be met). Other nonsubstantive and conforming changes are included to improve the readability of the rule.

Subsection (i) clarifies that an institution, in establishing whether a student has "present[ed] evidence of successful completion of a nontraditional secondary education" in subsection (h)(1), cannot require any additional evidence or documentation beyond what is required for admissions purposes. Moreover, it clarifies that admission to the institution on the basis of successful completion of a nontraditional secondary education fulfills this requirement.

Rule 22.234, Grant Amounts, is amended by clarifying subsection (a) to note that a TEXAS Grant may not be reduced by any gift aid for which a person is eligible, unless the total amount of the grant plus any gift aid is greater than the student's financial need. This change reflects greater alignment with the program statute. Subsection (d) is redundant with §22.228(c)(3) and is removed.

Rule 22.235, Allocation of Funds- TEOG Pathway, is created to establish the means by which the appropriated funds restricted by Rider 60 are allocated to participating institutions. Subsection (a) describes the methodology, which distributes available funds proportionally among participating institutions based on each institution's share of students meeting the criteria listed in subsection (a)(1). Subsection (b) describes the nature of the funds restriction, limiting use of the allocated funds under the section to initial year grants for students qualifying via the TEOG pathway. Subsection (c) describes the means by which the Coordinating Board will conduct this allocation process as a two-year allocation, as it does with many other state grant programs, starting in Fiscal Year 2028. Subsection (d) notes that institutions' Financial Aid Database submissions are the data source for the allocation. Subsection (e) describes the data review, a preliminary process by which the Coordinating Board supplies data to institutions for review and comment prior to publishing final allocations. Sub-

section (f) describes the means by which the Coordinating Board will reduce funding levels in the event of an unexpected funding decrease, aligning with a like provision in §22.236.

Rule 22.236, Allocation of Funds - General, is amended to reflect changes to the general program allocation to meet the requirements of Rider 24. Subsection (a) describes the allocation methodology, which differs from the current allocation methodology in two ways. First, a new top 25 percent portion of the allocation is added in subsection (a)(2). This portion of the allocation occurs after the renewal grants portion in subsection (a)(1), which is unchanged. For this portion of the calculation, using Financial Aid Database and CBM00B university admissions report submissions, the Coordinating Board will determine the number of students at each participating institution meeting the criteria described in subsection (a)(2)(A) in the prior-prior year, and multiply that figure by 125 percent of the Target Grant Amount. That figure was selected as an acknowledgement of the legislative intent of the Rider, which is to ensure every institution has sufficient funding to meet the requirement to offer grants to all eligible top 25 percent students. The use of the 125 percent of the Target Grant Amount is for allocation purposes only and does not imply a requirement regarding the amount of any student's grant. The other substantive change to the methodology described in subsection (a) is the exclusion of top 25 percent and TEOG pathway students from the Remaining Initial Grants portion of the calculation in subsection (a)(3). The proportional method of this part of the calculation is unchanged, but these students were removed from the calculation because they are considered elsewhere in the allocation, either in §22.235 (for TEOG pathway) or §22.236(a)(2) (for top 25 percent).

Subsection (b) is added to describe how the general allocation would be conducted in the event that insufficient funds were appropriated for the Program to fully fund the renewal and top 25 percent portions of the calculation. In such a case, available funds for that portion of the calculation (starting with the renewal grants, and then top 25 percent in keeping with grant priority rules) would be distributed proportionally. Subsection (c) describes the means by which the Coordinating Board will conduct this allocation process as a two-year allocation, as it does with many other state grant programs, starting in Fiscal Year 2028. Subsection (d) notes that institutions' Financial Aid Database submissions are the data source for the allocation. Subsection (e) describes the data review, a preliminary process by which the Coordinating Board supplies data to institutions for review and comment prior to publishing final allocations.

Rule 22.241, Tolling of Eligibility for Initial Year Grant, is amended to make conforming changes relating to the term "renewal grant" and to rule citations affected by other proposed changes.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the enhanced financial aid predictability for eligible high-performing and transfer students. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment and new section are proposed under Texas Education Code, Section 56.303, which provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Program.

The proposed amendment and new section affects Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter L.

§22.226. Definitions.

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) ~~(2)~~ Continuation Grant—A TEXAS Grant offered to a person who has previously received an initial year grant.]

(1) ~~(2)~~ Entering Undergraduate--A student enrolled in the first thirty semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination.

(2) ~~(3)~~ Initial Year Grant--The TEXAS Grant offered in the student's first year in the TEXAS Grant Program.

(3) Nontraditional Secondary Education--A course of study at the secondary school level in a nonaccredited private school setting, including a home school.

(4) Priority Student Aid Index Level--An amount calculated annually by the Coordinating Board equal to 60 percent of the average statewide amount of tuition and required fees for resident students enrolled full-time in baccalaureate degree programs at general

academic teaching institutions, excluding public state colleges, for the relevant academic year.

(5) [(4)] Prior-Prior Year--For allocation purposes, the state fiscal year that began two years earlier than the fiscal year for which the allocation is being calculated.

(6) [(5)] Program--The Toward EXcellence, Access and Success (TEXAS) Grant program.

(7) Renewal Grant--A TEXAS Grant offered to a person who has previously received an initial year grant.

(8) [(6)] Required Fees--A mandatory fee (required by statute) or discretionary fee (authorized by statute, imposed by the governing board of an institution of higher education) and that an institution of higher education charges to a student as a condition of enrollment at the institution of higher education or in a specific course.

(9) [(7)] Target Grant Amount--An amount set by the Coordinating Board, in consultation with institutions of higher education participating in the TEXAS Grant Program, and used as the recommended average grant amount for the TEXAS Grant Program for a biennium and in establishing renewal grant and initial year grant for top 25 percent student allocations to participating institutions of higher education as described in §22.236(a)(1) and (2) of this chapter (relating to Allocation [and Reallocation] of Funds - General).

(10) [(8)] Tuition--Statutory tuition, designated and/or Board-authorized tuition, as defined in §13.121 [§13.142] of this title (related to Definitions).

§22.227. Eligible Institutions.

(a) Eligibility.

(1) Institutions eligible to make initial year and renewal [continuation] grants in the program are medical or dental units and general academic teaching institutions, other than the public state colleges, as defined in §22.1 of this chapter (relating to Definitions).

(2) No participating institution may, on the grounds of race, color, national origin, gender, religion, age, or disability exclude an individual from participation in, or deny the benefits of the program described in this subchapter.

(3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions or employment.

(b) Approval.

(1) Agreement. Each eligible institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the Commissioner, prior to being approved to participate in the program.

(2) Approval Deadline. An eligible institution must enter into an agreement with the Coordinating Board and indicate an intent to participate in the program by April 1 in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year.

(c) Responsibilities. Participating institutions are required to abide by the General Provisions outlined in subchapter A of this chapter.

§22.228. Eligible Students.

(a) Initial Grants. To be eligible to receive [qualify for] an initial year grant, a person must:

(1) be enrolled in a baccalaureate program at a participating institution;

(2) be a resident of Texas, as defined in §22.1 of this chapter (relating to Definitions);

(3) show financial need, as defined in §22.1 of this chapter;

(4) have applied for financial aid through the completion of the Federal Application for Federal Student Aid or, if the student is not eligible for federal financial aid, the Texas Application for State Financial Aid;

(5) meet applicable standards outlined in §22.3 of this chapter (relating to Student Compliance with Selective Service Registration); and

(6) Except as provided under §22.231 of this subchapter (relating to Hardship Provisions), to receive an initial year grant, an otherwise eligible person must enroll in a baccalaureate degree program at a participating institution on at least a three-quarter time basis as:

(A) an entering undergraduate student not later than the end of the sixteenth month after the calendar month in which the person graduated from high school or successfully completed a nontraditional secondary education, as defined in §22.226 of this subchapter (relating to Definitions); [or]

(B) an entering undergraduate student who entered military service not later than the first anniversary of the date of high school graduation and enrolled in an eligible institution no later than twelve months after being released from active duty military service with an Honorable Discharge, General Discharge under Honorable Conditions, or Honorable Separation or Release from Active Duty, as documented by the Certificate of Release or Discharge from Active Duty (DD214) issued by the Department of Defense;

(C) an undergraduate student not later than the end of the twelfth month after the calendar month in which the student received an associate degree; or

(D) an undergraduate student who has:

(i) previously attended another institution of higher education, as defined in §22.1 of this chapter;

(ii) received an initial Texas Educational Opportunity Grant under subchapter M of this chapter (relating to Texas Educational Opportunity Grant Program) for the 2014 fall semester or a subsequent semester;

(iii) completed at least twenty-four semester credit hours at any institution(s) of higher education or private or independent institution(s) of higher education, as defined in §22.1 of this chapter;

(iv) earned an overall grade point average of at least 2.5 on a four-point scale or the equivalent on all course work previously attempted; and

(v) [has] never previously received a TEXAS Grant.

(b) Renewal [Continuation] Grants. To be eligible to receive a renewal [continuation] grant through the TEXAS Grant Program, a student must:

(1) have previously received an initial year grant through this Program;

(2) show financial need, as defined in §22.1 of this chapter;

(3) be enrolled at least three-quarter time unless granted a hardship waiver of this requirement under §22.231 of this subchapter (relating to Hardship Provisions);

(4) be enrolled in a baccalaureate program at a participating institution;

(5) make satisfactory academic progress towards a baccalaureate degree at the participating institution, as defined in §22.229 of this subchapter (relating to Satisfactory Academic Progress); and

(6) meet applicable standards outlined in §22.3 of this chapter (relating to Student Compliance with Selective Service Registration).

(c) If a student's eligibility was based on the expectation that the student would complete a high school diploma or associate degree in time to meet the requirements for Program eligibility, and the student failed to do so, then, in order to resume eligibility, such a student must:

(1) receive an associate degree;

(2) meet all other qualifications for a TEXAS Grant;

(3) if required to do so by the institution through which the TEXAS Grant was made, repay the amount of the TEXAS Grant that was previously received; and

(4) enroll in a higher-level undergraduate degree program at a participating institution not later than the twelfth month after the month the student received an associate degree.

(d) For the purposes of this section, a student enrolled in a combined baccalaureate-master's degree program is considered to be enrolled in a baccalaureate program during the period in which the student's institution considers the student an undergraduate for federal financial aid purposes.

§22.229. Satisfactory Academic Progress.

(a) To be eligible to receive [qualify for] a renewal [continuation] grant after the academic year in which a person receives an initial year grant, each recipient of the TEXAS Grant shall meet the academic progress requirements of his or her institution.

(b) To be eligible to receive a subsequent grant after he or she receives a renewal [continuation] grant, a recipient shall, unless granted a hardship waiver of this requirement in accordance with §22.231 of this subchapter (relating to Hardship Provisions):

(1) complete at least twenty-four semester credit hours in his or her most recent academic year; and[;]

(2) maintain an overall grade point average of at least 2.5 on a four point scale or its equivalent, for all coursework attempted at an institution of higher education or private or independent institution of higher education, as defined in §22.1 of this chapter (relating to Definitions).

[{(3) An entering undergraduate student enrolling in a participating institution for the second or later semester in a given academic year meets the semester credit hour requirement outlined in paragraph (1) of this subsection for continuing in the program if he or she completes at least twelve semester credit hours or its equivalent during that semester.}]

(c) The calculation of a student's GPA is to be completed in accordance with §22.10 of this chapter (relating to Grade Point Average Calculations for Satisfactory Academic Progress).

[{(d) The completion rate calculations may be made in keeping with institutional policies.}]

§22.230. Discontinuation of Eligibility or Non-Eligibility.

(a) A student may not receive a TEXAS Grant while concurrently receiving a Texas Educational Opportunity Grant or Texas Transfer Grant.

(b) A student may not receive a TEXAS Grant after having already being granted a baccalaureate degree.

(c) A student may not receive a TEXAS Grant for a semester in which he or she is enrolled for fewer than six hours.

(d) Unless granted a hardship postponement in accordance with §22.231 of this subchapter (relating to Hardship Provisions), eligibility for a TEXAS Grant for a student whose eligibility for an initial year TEXAS Grant was not based on the receipt of an associate degree ends:

(1) five years from the start of the semester in which the student received his or her first disbursement of an initial year TEXAS Grant, if the student is enrolled in a degree program of four years or less;

(2) six years from the start of the semester in which the student received his or her first disbursement of an initial year TEXAS Grant, if the student is enrolled in a degree program of more than four years.

(e) Unless granted a hardship postponement in accordance with §22.231 of this subchapter, eligibility for a TEXAS Grant for a student whose eligibility was based on receiving an associate degree ends:

(1) three years from the start of the semester in which the student received his or her first disbursement of an initial year TEXAS Grant if the student is enrolled in a degree program of four years or less;

(2) four years from the start of the semester in which the student received his or her first disbursement of an initial year TEXAS Grant if the student is enrolled in a degree program of more than four years.

(f) A student's eligibility ends one year from the date of the semester in which the student received his or her first disbursement of an initial year TEXAS Grant, if the student's eligibility was based on the expectation that the student would complete the initial year grant requirements as outlined in §22.228 of this subchapter (relating to Eligible Students), but the student failed to do so. However, if such a student later receives an associate degree and again qualifies for TEXAS Grants, as described by §22.228(c) of this subchapter, he or she can receive an additional three years of eligibility if enrolled in a degree program of four years or less, or an additional four years if enrolled in a degree program of more than four years.

(g) A student's eligibility for a TEXAS Grant ends once he or she has attempted 150 semester credit hours or the equivalent unless the student is granted a hardship extension in accordance with §22.231(d) of this subchapter.

(h) A person is not eligible to receive an initial year or renewal [continuation] grant if the person has been convicted of a felony or of an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of any other jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has:

(1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2) been pardoned, had the record of the offense expunged from the person's record, or otherwise been released from the resulting ineligibility to receive a TEXAS Grant.

(i) Other than as described in §22.231 of this subchapter, if a person fails to meet any of the requirements for receiving a renewal [~~continuation~~] grant as outlined in §22.228(b) of this subchapter after completion of any semester, the person may not receive a TEXAS Grant until he or she completes a semester while not receiving a TEXAS Grant and meets all the requirements as outlined in §22.228(b) of this subchapter as of the end of that semester.

§22.233. *Priority in Grants to Students.*

(a) If appropriations for the program are insufficient to allow grants to all eligible students, priority shall be given to those students demonstrating [~~continuing TEXAS Grant~~] eligibility for a renewal grant pursuant to §22.228(b) of this subchapter (relating to Eligible Students).

(b) In determining who will receive an initial year grant, an institution shall give priority to those students who graduated in the top 25 percent of their high school graduating class in one of the two prior academic years. An institution may establish a procedure by which it determines whether a student whose high school does not rank students is described by this subsection.

(c) In determining who will receive an initial year grant, an institution shall give priority to those students who establish eligibility for an initial grant under §22.228(a)(6)(D) of this subchapter.

(d) [(b)] In determining who will receive an initial year grant [student eligibility for a TEXAS Grant pursuant to §22.228(a) of this subchapter], priority shall be given to those students who demonstrate the greatest financial need at the time the offer is made.

(e) [(e)] In determining who will receive an initial year grant [student eligibility for a TEXAS Grant pursuant to §22.228(a) of this subchapter], priority shall be given to those students who have a Student Aid Index at or below the Priority Student Aid Index level, as defined in §22.226 of this subchapter (relating to Definitions) [that does not exceed 60 percent of the average statewide amount of tuition and required fees for general academic teaching institutions for the relevant academic year].

(f) Each institution shall ensure that an eligible student receives an initial grant under this subchapter if the student:

(1) is described by both subsections (b) and (e) of this section; and

(2) applies for financial aid, as described by §22.228(a)(4) of this subchapter, by June 1 prior to the applicable fiscal year.

(g) Each institution shall ensure that an eligible student who is described by both subsections (c) and (e) of this section receives an initial grant under this subchapter. An institution may use any funds allocated under this subchapter to meet this requirement.

(h) [(d)] In determining initial student eligibility for a TEXAS Grant pursuant to §22.228(a) of this subchapter, priority shall be given to those students who:

(1) graduated [~~graduate~~] or are on track to graduate from a public or accredited private high school or who present evidence of successful completion of a nontraditional secondary education, as defined in §22.226 of this subchapter (relating to Definitions) in Texas [~~on or after May 1, 2013,~~] and complete or are on track to complete the Foundation High School program, or its equivalent as amended in keeping with Texas Education Code, §56.009; and [The person must also be on track to]

(2) have accomplished, or are on track to accomplish, any two or more of the following at the time a TEXAS Grant was offered:

(A) [(f)] successful completion of the course requirements of the international baccalaureate diploma program, or earning of the equivalent of at least twelve semester credit hours of college credit in high school through courses described in Texas Education Code, §28.009(a)(1), (2), and (3), or if graduating prior to September 1, 2020, graduate under the Recommended or Advanced high school curriculum specified in the Texas Education Code, §28.025 as it existed as of January 1, 2013, and the rules promulgated thereunder by the State Board of Education;

(B) [(2)] satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Coordinating Board under §4.57 of this title (relating to Texas Success Initiative Assessment College Readiness Standards) [Texas Education Code, §51.334] on any assessment instrument designated by the Coordinating Board under that section or qualification for an exemption as described by §4.54 of this title (relating to Exemption) [Texas Education Code, §51.338(b), (e), or (d)];

(C) [(3)] graduation in the top one-third of the person's high school graduating class or graduation from high school with a grade point average of at least 3.0 on a four-point scale or the equivalent; or

(D) [(4)] completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course, or at least one advanced career and technical or technical applications course;

(i) For the purposes of subsection (h)(1) of this section, an institution may not require a student to present additional evidence or documentation of successful completion of a nontraditional secondary education beyond what is required for the student to demonstrate qualification for admission to the institution. A student who has been admitted to the institution based on successful completion of a nontraditional secondary education is considered to have presented evidence of completion.

(j) [(e)] If funds remain after TEXAS Grants are offered to all students meeting the criteria in subsection (h) [(d)] of this section, remaining funds may be offered to persons who are otherwise eligible for TEXAS Grants.

§22.234. *Grant Amounts.*

(a) The amount of a TEXAS Grant offered through an eligible institution may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any gift aid [other than loans] received equals or exceeds the student's financial need.

(b) The Coordinating Board shall determine and announce the maximum amount of a TEXAS Grant not later than the final day of January prior to the start of each fiscal year. The calculation of the maximum amount per semester will be based on the mandates contained in Texas Education Code, §56.307. However, no student's TEXAS Grant shall be greater than the amount of the student's financial need.

(c) A participating institution may not charge a person receiving a TEXAS Grant through that institution, an amount of tuition and required fees in excess of the amount of the TEXAS Grant received by the person in that semester unless it also provides the student sufficient aid other than loans to meet his or her full tuition and required fees for that semester. Nor may it deny admission to or enrollment in the institution based on a person's eligibility to receive or actual receipt of a TEXAS Grant.

[(d)] If a student is determined to have failed to complete the necessary High School Program or Associate Degree upon which eligibility for the program was determined, a participating institution may

require the student to forgo or repay the amount of the student's initial year grant.]

(d) [e] Grant calculations and disbursements are to be completed in accordance with the General Provisions outlined in subchapter A of this chapter.

§22.235. Allocation of Funds - TEOG Pathway.

(a) Allocation Methodology. To the extent that funds are appropriated for the Program specifically to offer grants to eligible students who established eligibility for an initial grant under §22.228(a)(6)(D) of this subchapter (relating to Eligible Students), an institution's share of funds appropriated for that purpose will equal:

(1) The number of students who were reported in the Prior-Prior Year as:

(A) enrolled as undergraduate students;

(B) Residents of Texas, as defined in §22.1 of this chapter (relating to Definitions);

(C) enrolled at least three-quarter-time;

(D) meeting the criteria described in §22.228(a)(6)(D) of this subchapter; and

(E) having a Student Aid Index at or below the Priority Student Aid Index Level, as defined in §22.226 of this subchapter (relating to Definitions); divided by

(2) The sum of all participating institutions' reported students described by paragraph (1) of this subsection.

(b) Funds Restricted.

(1) Any funds allocated under this section may be used only to offer Initial Year TEXAS Grants to students who established eligibility for the program under §22.228(a)(6)(D) of this subchapter.

(2) The provisions of §22.11 of this chapter (relating to Authority to Transfer Funds) do not apply to funds allocated under this section.

(c) Two-Year Allocation. Beginning with Fiscal Year 2028, allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data used in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(d) Data Source. For the purposes of subsection (a) of this section, the Coordinating Board shall use each institution's certified Financial Aid Database submissions for the applicable year(s) as the data source for its calculations.

(e) Notice and Data Review. The Coordinating Board will conduct a preliminary data review, the results of which will be shared with all participating institutions for comment and verification prior to the publication of final allocations. Institutions will be given ten working days, beginning the day of the data review notice's distribution and excluding State holidays, to confirm that the data review report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(f) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

§22.236. Allocation of Funds - General

(a) Allocation Methodology. Except as provided in §22.235 of this subchapter (relating to Allocation of Funds- TEOG Pathway), an institution's share of available funds for the Program shall be determined in three stages. An institution's general allocation will be the sum of the output of each of the stages.

(1) Renewal Grants. Each eligible institution's renewal grants component of the allocation is calculated by multiplying:

(A) The sum of:

(i) The number of Initial Year Grant recipients at the institution in the Prior-Prior Year (i.e., two fiscal years before the year for which the allocation is being made), multiplied by the percentage of Initial Year Grant recipients at the institution in the year prior to Prior-Prior Year who received a Renewal Grant in the Prior-Prior Year; and

(ii) The number of Renewal Grant recipients at the institution in the Prior-Prior Year, multiplied by the percentage of Renewal Grant recipients at the institution in the year prior to Prior-Prior Year who received a Renewal Grant in the Prior-Prior Year; and

(B) The lesser of:

(i) The institution's average TEXAS Grant amount in the Prior-Prior Year; or

(ii) The Target Grant Amount for the fiscal year for which allocations are occurring.

(2) Initial Grants- Top 25 percent. Each eligible institution's initial grants component of the allocation for students graduating in the Top 25 percent of their class is calculated by multiplying:

(A) The number of students who were reported in the Prior-Prior Year as:

(i) enrolled as entering undergraduate students;

(ii) Residents of Texas, as defined in §22.1 of this chapter (relating to Definitions);

(iii) enrolled at least three-quarter-time;

(iv) having graduated in the top 25 percent of the student's high school graduating class in one of the two school years preceding the Prior-Prior Year; and

(v) having a Student Aid Index at or below the Priority Student Aid Index Level, as defined in §22.226 of this subchapter (relating to Definitions); and

(B) One hundred twenty-five percent (125%) of the Target Grant Amount for the fiscal year for which allocations are occurring.

(3) Remaining Initial Grants. Available funds remaining after calculating the first two components of each institution's allocation shall be distributed proportionally. An institution's proportion of the remaining allocation is based on the sum of the number of students who were reported in the Prior-Prior Year as:

(A) enrolled as undergraduate students who had not yet received a baccalaureate degree;

(B) residents of Texas, as defined in §22.1 of this chapter;

(C) enrolled at least three-quarter time;

(D) having a Student Aid Index at or below the Priority Student Aid Index Level, as defined in §22.226 of this subchapter (relating to Definitions); and

(E) either:

(i) a first-time enrolling freshman, excluding students described by subsection (a)(2)(A) of this section; or

(ii) an undergraduate transfer student who completed an associate degree within the prior twelve months to enrolling, excluding students described by §22.235(a)(1) of this subchapter (relating to Allocation of Funds- TEOG Pathway).

{(a) Allocations.}

{(1) The share of funds for each eligible institution will equal:}

{(A) the number of Initial Year TEXAS Grant recipients at the institution in the Prior-Prior Year multiplied by the percentage of Initial Year TEXAS Grant recipients in the year prior to the Prior-Prior Year who received a Continuation Grant in the Prior-Prior Year, plus the number of Continuation Grant TEXAS Grant recipients at the institution in the Prior-Prior Year multiplied by the percentage of Continuation Grant TEXAS Grant recipients in the year prior to the Prior-Prior Year who received a Continuation Grant in the Prior-Prior Year, multiplied by the institution's average TEXAS Grant award in the Prior-Prior Year, up to the amount of the Target Grant Amount for the fiscal year for which allocations are occurring; plus}

{(B) the institution's proportion of the remaining appropriation is based on the sum of the number of students who were reported as a first time enrolling freshman; or an undergraduate transfer student who completed an associate degree within the prior twelve months to enrolling; or an undergraduate transfer student who received an Initial TEOG grant for the Fall 2014 semester or later, has completed at least twenty-four semester credit hours, and has earned an overall GPA of at least 2.5 on a four-point scale on all course work previously attempted, and:}

{(i) were enrolled as undergraduate students and had not yet received a Bachelor's degree;}

{(ii) were identified as residents of Texas;}

{(iii) were enrolled at least three-quarter time; and}

{(iv) had a 9-month Student Aid Index, calculated using federal methodology, that was less than or equal to the cap established for TEXAS Grant in the Prior-Prior Year.}

{(2) The TEXAS Grant allocation spreadsheet will be provided to the institutions for review and the institutions will be given ten working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the spreadsheet accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.}

(b) If appropriated funds for the Program are insufficient to allocate the full amounts calculated in subsections (a)(1) or (a)(2) of this section, available funds for that portion of the calculation will be distributed proportionally, with each institution's share of the allocation being the amount calculated for that component of the allocation calculation divided by the sum of all participating institutions' calculated amount for that component of the allocation calculation.

(c) Two-Year Allocation. Beginning with Fiscal Year 2028, allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial

Aid Database submissions will be utilized to forecast the data used in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(d) Data Sources. For the purposes of subsection (a) of this section, the Coordinating Board shall use each institution's certified Financial Aid Database submissions for the applicable year(s) as the data source for its calculations, except that the Coordinating Board shall use the institution's CBM00B university admissions report submissions to identify the students meeting the criterion described in subsection (a)(2)(A)(iv) of this section.

(e) Notice and Data Review. The Coordinating Board will conduct a preliminary data review, the results of which will be shared with all participating institutions for comment and verification prior to the publication of final allocations. Institutions will be given ten working days, beginning the day of the data review notice's distribution and excluding State holidays, to confirm that the data review report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(f) [(b)] Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

§22.241. Tolling of Eligibility for Initial Year Grant.

(a) A person is eligible for consideration for an Initial Year grant under this subsection if the person was eligible for an initial year grant under §22.228 of this subchapter (relating to Eligible Students) in an academic year for which the Texas Legislature failed to appropriate sufficient funds to make initial year grant to at least 10 percent of the eligible student population, and:

(1) has not received a TEXAS Grant in the past;

(2) has not received a baccalaureate degree; and

(3) meets the eligibility requirements for a renewal [continuation] grant as described in §22.228(b) of this subchapter.

(b) A person who meets the requirements outlined in subsection (a) of this section:

(1) cannot be disqualified for a TEXAS Grant by changes in program requirements since the time he or she was originally eligible or by the amount of time that has passed since he or she was originally eligible;

(2) is to receive highest priority in the selection of recipients if he or she met the priority model requirements of §22.233(h) [§22.233(d)] of this title (relating to Priority in Grants to Students), when originally determined to be eligible;

(3) may continue receiving grants as long as he or she meets the requirements for such renewal [continuation] grants; and

(4) may not receive TEXAS Grants for prior academic years.

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

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Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6365



CHAPTER 24. STUDENT LOAN PROGRAMS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §24.1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 24, Subchapter A, §24.1, concerning Definitions. Specifically, this amendment will extend the definition of "manageable debt" to apply to master's degree students.

The Coordinating Board is authorized by Texas Education Code, Chapter 52, Subchapter C, to adopt rules relating to its student loan programs.

Rule 24.1, Definitions, is amended by clarifying the definition of "manageable debt" by defining it as a concept that can be applied to any student, regardless of the type of credential the student is pursuing, as well as by providing additional detail- relating to timing and method- regarding the Coordinating Board's calculation of manageable debt levels. The underlying methodology for developing these levels is unchanged. The existing figure is removed, and manageable debt levels will be published separately from the rule in the future, which allows for use of up-to-date information. To improve rule alignment, the definition for "degree or certificate program" is eliminated and separated into two separate terms, each citing to a definition elsewhere in Coordinating Board rules.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the greater alignment between agency operations and strategic goals regarding debt attainment. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

(2) implementation of the rules will not require the creation or elimination of employee positions;

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

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

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Chapter 52, Subchapter C, which provides the Coordinating Board with the authority to adopt rules relating to its student loan programs.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 24, Subchapter A.

§24.1. Definitions.

The following words and terms, when used in chapter 24, shall have the following meanings, unless otherwise defined in a particular subchapter:

(1) Alternative Educator Certification Program--An approved educator preparation program, delivered by entities approved by the State Board for Educator Certification under the provisions of part 7, chapter 228 of this title (relating to Requirements for Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a baccalaureate degree.

(2) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(3) Borrower--An individual who signs a student loan promissory note and thereby assumes liability for the debt and all fees associated with the note and who uses the proceeds of the loan to finance the individual's postsecondary education.

(4) Certificate Program--As defined in §2.3 of this title (relating to Definitions).

(5) [(4)] Commissioner--The Texas Commissioner of Higher Education.

(6) [(5)] Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.

(7) [(6)] Cosigner--An individual who signs a student loan promissory note and thereby assumes liability for the debt and all fees and expenses associated with the note but who is not a direct beneficiary of the proceeds of the loan.

(8) [(7)] Cost of Attendance--An institution's estimate of the expenses incurred by a typical financial aid recipient in attending a particular institution of higher education. It includes direct educational

costs (tuition and fees) as well as indirect costs (room and board, books and supplies, transportation, personal expenses, and other allowable costs for financial aid purposes).

(9) Degree Program--As defined in §2.3 of this title.

[8] Degree or Certificate Program--A program of study leading to a baccalaureate degree, associate degree, or certificate.]

(10) [49] Favorable Credit Report Evaluation--A determination made by the Coordinating Board regarding a prospective borrower or cosigner's creditworthiness. For the purposes of this chapter, a borrower or cosigner is considered to have a favorable credit report evaluation if the person:

- (A) Has an Experian VantageScore of 650 or higher;
- (B) Does not have public records that demonstrate credit concerns such as tax liens or bankruptcy proceedings;
- (C) Has a minimum of four credit trade lines, excluding student loans or authorized user accounts; and
- (D) Has not defaulted on any federal, state, or private education loans.

(11) [40] Fund--The Texas Opportunity Plan Fund as created by the Constitution of the State of Texas, Article III, 50b; the Student Loan Revenue Bond Fund authorized in the Texas Education Code, chapter 56, subchapter H; and/or the Student Loan Auxiliary Fund, authorized in the Texas Education Code, chapter 52, subchapter F.

(12) [41] Half-Time--For undergraduates, enrollment or expected enrollment for the equivalent of at least six but fewer than nine semester credit hours per regular semester. For graduate students, enrollment or expected enrollment for the equivalent of 50 percent of the normal full-time course load of the student's program of study as defined by the institution.

(13) [42] Institution of Higher Education--As defined in Texas Education Code, §61.003.

(14) [43] Insufficient Resources to Finance Education--A requirement for a student to be eligible for certain loan programs. For the purposes of this chapter, a student is considered to have insufficient resources to finance his or her education if the student's cost of attendance is greater than the total amount of financial aid offered to the student. The amount of federal Direct Loans for which the student is eligible must be included in the calculation of the financial aid offered, regardless of whether the student receives the loans.

(15) [44] Manageable Debt--A [An undergraduate] student's level of aggregated student loan debt from all sources (including federal, state, and private student loans) such that the student's estimated monthly payment (for all loans) five years after graduation is less than 10 percent of the student's projected income, assembled using wage data from the Texas Workforce Commission based on the student's course of study. Not later than the final day of January of each odd-numbered year, the Coordinating Board shall publish updated manageable debt levels. [See Figure 4 for more information]

[Figure: 19 TAC §24.1(14)]

(16) [45] Private or Independent Institution of Higher Education--As defined in Texas Education Code, §61.003.

(17) [46] Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Coordinating Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including the determination of student eligibility, selection of recipients,

maintenance of all records, and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the institution's chief executive officer, the director of student financial aid shall serve as Program Officer.

(18) [47] Repayment Period--The length of time during which a borrower is expected to fully repay the borrower's loan(s). The repayment period is used to determine the number of payments required to repay the loan(s) and therefore the borrower's minimum monthly payment.

(19) [48] Student Loan--A loan incurred by a student to assist in covering the student's cost of education.

(20) [49] Student Loan Debt--The outstanding balance of principal, interest, and fees associated with an individual's education or student loans.

(21) [50] Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

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

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

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SUBCHAPTER D. COLLEGE ACCESS LOAN PROGRAM

19 TAC §24.45

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 24, Subchapter D, §24.45, concerning Loan Amount and Interest Rate. Specifically, this amendment will extend aggregate debt limits in the Program to students enrolled in master's degree programs.

The Coordinating Board is authorized by Texas Education Code, Chapter 52, Subchapter C, to adopt rules relating to its student loan programs.

Rule 24.45, Loan Amount and Interest Rate, is amended to reflect the extension of the aggregate debt limit associated with the definition of "manageable debt" in §24.1 to graduate students enrolled in master's degree programs in subsection (c)(1). Conforming edits are made to subsection (c)(2) to specify that

doctoral and professional students are subject to a different aggregate debt limit.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the greater alignment between agency operations and strategic goals regarding debt attainment. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Chapter 52, Subchapter C, which provides the Coordinating Board with the authority to adopt rules relating to its student loan programs.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 24, Subchapter D.

§24.45. Loan Amount and Interest Rate.

(a) Minimum Loan Amount. No College Access Loan may be authorized for less than \$100.

(b) Annual Loan Limit. In no case shall the annual loan amount exceed the difference between the cost of attendance and the financial resources available to the applicant, including the applicant's scholarships, gifts, grants, and other financial aid. The student's

maximum eligibility for Federal Direct Loans, except for Federal PLUS loans, must be considered by the institution as other financial aid, whether or not the student actually receives such assistance.

(c) Aggregate Loan Limit.

(1) For [undergraduate] students enrolled in undergraduate or master's degree programs, the maximum aggregate loan amount for any eligible student shall not exceed the student's manageable debt level, as defined in §24.1 of this chapter (relating to Definitions).

(2) For students enrolled in doctoral or [graduate and] professional degree programs [students], the maximum aggregate loan amount for an eligible student is the sum of the student's annual limits.

(d) Interest Rate. The interest rate charged for new loans shall be set from time to time by the Commissioner, shall be simple interest, and shall begin to accrue on the outstanding principal from the date of disbursement, including during periods of forbearance.

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

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PART 2. TEXAS EDUCATION AGENCY

CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING SPECIAL EDUCATION SERVICES

DIVISION 7. DISPUTE RESOLUTION

19 TAC §§89.1150, 89.1175, 89.1195, 89.1197

The Texas Education Agency (TEA) proposes amendments to §§89.1150, 89.1175, 89.1195, and 89.1197, concerning special education services. The proposed amendments would clarify program practices and requirements relating to dispute resolution in accordance with House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 89.1150 establishes general provisions for special education dispute resolution. Proposed new subsection (b) would inform parents and school districts that TEA may share student-level information with an outside entity in accordance with the Family Educational Rights and Privacy Act for the purposes of facilitating local resolution of disputes related to special education.

Section 89.1175 establishes representation in special education due process hearings. The proposed amendment would add new subsection (d)(2) to establish a requirement for the non-attorney representative to have knowledge of all special education

dispute resolution options available to parents to align with HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025. A proposed amendment to the figure in subsection (c) would reflect the new requirement for alignment.

Section 89.1195 establishes provisions for special education complaint resolution. After careful consideration and a targeted focus on assisting school systems and families with preventing and resolving disagreements at the earliest stage possible, TEA is proposing deletion of subsections (f) and (j) that authorize a party to request a reconsideration process if the party feels that the agency made an error that was material to its decision or was incorrect in its determination. A reconsideration process is not required under federal or state law. Given the narrow scope of the reconsideration process, the agency has determined that students' best interests are served if agency staff prioritize assisting parties with preventing disputes and, when disputes do occur, focus on comprehensive, thorough, and accurate investigations and investigative reports.

The proposed amendment to §89.1197 would update the section title to align with HB 2 and SB 568. Further proposed changes to subsections (c) and (f)(2) would allow statewide individualized education program facilitation to be utilized prior to a potential dispute and when a dispute has arisen related to the provision of a free appropriate public education. These changes align the rule with HB 2 and SB 568. Proposed updates to subsections (f) and (f)(3) would provide clarity to school districts and parents regarding the process and timeline for when a request for a state-appointed facilitator must be filed.

FISCAL IMPACT: Jennifer Alexander, associate commissioner of special populations and student supports, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand and limit existing regulations. The proposed amendments would clarify program practices and requirements regarding dispute resolution to align with HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative

appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Alexander has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure the rules are current by aligning them with federal law, state statute, and administrative rule and assist parents and school districts with requirements for dispute resolution for students receiving special education and related services. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins January 23, 2026, and ends February 23, 2026. Public hearings will be conducted to solicit testimony and input on the proposed amendment at 9:30 a.m. on February 12 and 13, 2026. The public may participate in either hearing virtually by linking to the hearing at <https://us02web.zoom.us/j/87029464077>. Anyone wishing to testify must be present at 9:30 a.m. and indicate to TEA staff their intent to comment and are encouraged to also send written testimony to sped@tea.texas.gov. Each hearing will conclude once all who have signed in have been given the opportunity to comment. Questions about the hearing should be directed to Derek Hollingsworth, Special Populations Policy and Compliance, Derek.Hollingsworth@tea.texas.gov. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY: The amendments are proposed under Texas Education Code (TEC), §29.001, which requires the agency to develop and modify as necessary a statewide plan for the delivery of services to children with disabilities that ensures the availability of a free appropriate public education to children between the ages of 3-21; TEC, §29.010, which establishes criteria for general supervision and compliance; TEC, §29.019, which establishes criteria for individualized education program (IEP) facilitation; TEC, §29.020, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for state-administered IEP facilitation; TEC, §29.0162, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for representation in a special education due process hearing; 34 Code of Federal Regulations (CFR), §300.149, which establishes the state educational agency responsibility for general supervision; 34 CFR, §300.151, which establishes the criteria for the adoption of state complaint pro-

cedures; 34 CFR, §300.152, which establishes the criteria for minimum state complaint procedures; 34 CFR, §300.153, which establishes the criteria for filing a complaint; 34 CFR, §300.504, which establishes the criteria for procedural safeguards notice; 34 CFR, §300.512, which establishes hearing rights; and 34 CFR, §300.600, which establishes criteria for state monitoring and enforcement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§29.001, 29.010, and 29.019; §29.020 and §29.0162, as amended by House Bill 2 and Senate Bill 568, 89th Texas Legislature, Regular Session, 2025; and §29.0162; and 34 Code of Federal Regulations, §§300.149, 300.151, 300.152, 300.153, 300.504, 300.512, and 300.600.

§89.1150. General Provisions.

(a) It is the policy and intent of the Texas Education Agency (TEA) to encourage and support the resolution of any dispute that arises between a parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability at the lowest level possible and in a prompt, efficient, and effective manner.

(b) To implement the policy and intent described by subsection (a) of this section and to offer opportunities for an alternative means of dispute resolution when a parent and a public education agency are in disagreement, TEA may disclose information to a representative as authorized by the Family Educational Rights and Privacy Act to assist with resolution efforts. Neither party would be required to engage in this process, and the information shared would only be for purposes of determining interest of either party in an alternative or early resolution process.

(c) [(b)] The possible options for resolving disputes include, but are not limited to:

(1) meetings of the student's admission, review, and dismissal committee, including individualized education program (IEP) facilitation if offered by the public education agency in accordance with §89.1196 of this title (relating to Individualized Education Program Facilitation);

(2) meetings or conferences with the student's teachers or providers;

(3) meetings or conferences, subject to the public education agency's policies, with the campus administrator, the special education director of the public education agency (or the shared services arrangement to which the public education agency may be a member), the superintendent of the public education agency, or the board of trustees of the public education agency;

(4) requesting state IEP facilitation in accordance with §89.1197 of this title (relating to State-Administered [State] Individualized Education Program Facilitation);

(5) requesting mediation through TEA in accordance with 34 Code of Federal Regulations (CFR), §300.506;

(6) filing a complaint with TEA in accordance with 34 CFR, §300.153; or

(7) requesting a due process hearing through TEA in accordance with 34 CFR, §§300.507-300.514.

§89.1175. Representation in Special Education Due Process Hearings.

(a) A party to a due process hearing may represent himself or herself or be represented by:

(1) an attorney who is licensed in the State of Texas; or

(2) an individual who is not an attorney licensed in the State of Texas but who has special knowledge or training with respect to problems of children with disabilities and who satisfies the qualifications of this section.

(b) A party who wishes to be represented by an individual who is not an attorney licensed in the State of Texas must file a written authorization with the hearing officer promptly after filing the request for a due process hearing or promptly after retaining the services of the non-attorney representative. The party must forward a copy of the written authorization to the opposing party at the same time that the written authorization is filed with the hearing officer.

(c) The written authorization must be on the form provided in this subsection.

Figure: 19 TAC §89.1175(c)

[Figure: 19 TAC §89.1175(e)]

(d) The written authorization must include the non-attorney representative's name and contact information and a description of the non-attorney representative's:

(1) special knowledge or training with respect to problems of children with disabilities;

(2) knowledge of all special education dispute resolution options available to parents, including due process hearings, state complaints, mediation, and individualized education program facilitation;

(3) [(2)] knowledge of the rules and procedures that apply to due process hearings, including those in 34 Code of Federal Regulations, §§300.507-300.515 and 300.532, if applicable, and this division;

(4) [(3)] knowledge of federal and state special education laws, regulations, and rules; and

(5) [(4)] educational background.

(e) The written authorization must state the party's acknowledgment of the following:

(1) the non-attorney representative has been given full authority to act on the party's behalf with respect to the hearing;

(2) the actions or omissions by the non-attorney representative are binding on the party, as if the party had taken or omitted those actions directly;

(3) documents are deemed to be served on the party if served on the non-attorney representative;

(4) communications between the party and a non-attorney representative are not generally protected by the attorney-client privilege and may be subject to disclosure during the hearing proceeding;

(5) neither federal nor state special education laws provide for the recovery of fees for the services of a non-attorney representative; and

(6) it is the party's responsibility to notify the hearing officer and the opposing party of any change in the status of the authorization and that the provisions of the authorization will remain in effect until the party notifies the hearing officer and the opposing party of the party's revocation of the authorization.

(f) If the non-attorney representative receives monetary compensation in exchange for representing the party in the due process hearing, the written authorization must affirm the following:

(1) the non-attorney representative has agreed to abide by a voluntary code of ethics and professional conduct during the period of representation; and

(2) the non-attorney representative and the party have entered into a confidential, written representation agreement that includes a process for resolving any disputes that may arise between the non-attorney representative and the party.

(g) The written authorization must be signed and dated by the party.

(h) An individual is prohibited from being a party's representative under subsection (a)(2) of this section if the individual has prior employment experience with the school district and the school district raises an objection to the individual serving as a representative based on the individual's prior employment experience. No other objections to a party's representation by a non-attorney are permitted under this section.

(i) Upon receipt of a written authorization filed under this section, the hearing officer must promptly determine whether the non-attorney representative is qualified and meets the requirements to represent the party in the hearing and must notify the parties in writing of the determination. A hearing officer's determination is final and not subject to review or appeal.

(j) A non-attorney representative may not file pleadings or other documents on behalf of a party, present statements and arguments on behalf of a party, examine and cross-examine witnesses, offer and introduce evidence, object to the introduction of evidence and testimony, or engage in other activities in a representative capacity unless the hearing officer has reviewed a written authorization filed under this section and determined that the non-attorney representative is qualified to represent the party in the hearing.

(k) In accordance with the Texas Education Code, §38.022, a school district may require an attorney or a non-attorney representative who enters a school campus to display his or her driver's license or another form of government-issued identification. A school district may also verify whether the representative is a registered sex offender and may apply a policy adopted by its board of trustees regarding the action to be taken when a visitor to a school campus is identified as a sex offender.

§89.1195. Special Education Complaint Resolution.

(a) In accordance with 34 Code of Federal Regulations (CFR), §300.151, the Texas Education Agency (TEA) has established a complaint resolution process that provides for the investigation and issuance of findings regarding alleged violations of Part B of the Individuals with Disabilities Education Act (IDEA) or a state special education statute or administrative rule.

(b) A complaint may be filed with [the] TEA by any individual or organization and must:

(1) be in writing;

(2) include the signature and contact information for the complainant;

(3) contain a statement that a public education agency has violated Part B of the IDEA; 34 CFR, §300.1 et seq.; or a state special education statute or administrative rule;

(4) include the facts upon which the complaint is based;

(5) if alleging violations with respect to a specific student, include:

(A) the name and address of the residence of the student;

(B) the name of the school the student is attending;

(C) in the case of a homeless child or youth (within the meaning of §725(2) of the McKinney-Vento Homeless Act (42 United States Code, §11434a(2)), available contact information for the student and the name of the school the student is attending;

(D) a description of the nature of the problem of the student, including facts relating to the problem; and

(E) a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed;

(6) allege a violation that occurred not more than one calendar year prior to the date the complaint is received; and

(7) be forwarded to the public education agency that is the subject of the complaint at the same time that the complaint is filed with [the] TEA.

(c) A complaint must be filed with [the] TEA by electronic mail, mail, hand-delivery, or facsimile. [The] TEA has developed a form that may be used by persons or organizations filing a complaint. The form is available on request from [the] TEA and is also available on the TEA website. The complaint timeline will commence on the business day that TEA receives the complaint. If a complaint is received on a day other than a business day, the complaint timeline will commence on the first business day after the day on which [the] TEA receives the complaint. The one-calendar-year statute of limitations for a complaint will be determined based on the day that the complaint timeline commences.

(d) If a complaint does not meet the requirements outlined in subsection (b) of this section, [the] TEA must notify the complainant of the deficiencies in the complaint.

(e) Upon receipt of a complaint that meets the requirements of this section, [the] TEA must initiate an investigation to determine whether the public education agency is in compliance with applicable law and regulations in accordance with the following procedures.

(1) [The] TEA must send written notification to the parties acknowledging receipt of a complaint.

(A) The notification must include:

(i) the alleged violations that will be investigated;

(ii) alternative procedures available to address allegations in the complaint that are outside of the scope of Part B of the IDEA; 34 CFR, §300.1, et seq.; or a state special education statute or administrative rule;

(iii) a statement that the public education agency may, at its discretion, investigate the alleged violations and propose a resolution of the complaint;

(iv) a statement that the parties have the opportunity to resolve the complaint through mediation in accordance with the procedures in §89.1193 of this title (relating to Special Education Mediation);

(v) a timeline for the public education agency to submit:

(I) documentation demonstrating that the complaint has been resolved; or

(II) a written response to the complaint and all documentation and information requested by [the] TEA;

(vi) a statement that the complainant may submit additional information about the allegations in the complaint, either orally or in writing within a timeline specified by [the] TEA, and may provide a copy of any additional information to the public education agency to assist the parties in resolving the dispute at the local level; and

(vii) a statement that [the] TEA may grant extensions of the timeline for a party to submit information under clause (v) or (vi) of this subparagraph at the request of either party.

(B) In accordance with 34 CFR, §300.504, upon receipt of the first special education complaint filed by a parent during a school year, TEA will provide an electronic copy of the Notice of Procedural Safeguards to the parent, and the public education agency against which the complaint is filed must provide the parent with a hard copy of the Notice of Procedural Safeguards unless that parent has elected, in accordance with 34 CFR, §300.505, to receive the required notice by electronic mail, if the public education agency makes that option available.

(C) The public education agency must provide [the] TEA with a written response to the complaint and all documentation and information requested by [the] TEA. The public education agency must forward its response to the parent who filed the complaint at the same time that the response is provided to [the] TEA. The public education agency may also provide the parent with a copy of the documentation and information requested by [the] TEA. If the complaint was filed by an individual other than the student's parent, the public education agency must forward a copy of the response to that individual only if written parental consent has been provided to the public education agency.

(2) If the complaint is also the subject of a due process hearing or if it contains multiple issues of which one or more are part of that due process hearing, [the] TEA must:

(A) set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing; and

(B) resolve any issue in the complaint that is not a part of the due process hearing.

(3) If an issue raised in the complaint has previously been decided in a due process hearing involving the same parties, [the] TEA must inform the complainant that the due process hearing decision is binding.

(4) [The] TEA has 60 calendar days after a valid written complaint is received to carry out the investigation and to resolve the complaint. [The] TEA may extend the time limit beyond 60 calendar days if exceptional circumstances, as determined by [the] TEA, exist with respect to a particular complaint. The parties will be notified in writing by [the] TEA of the exceptional circumstances, if applicable, and the extended time limit. The time limit may also be extended if the parties agree to extend it in order to engage in mediation pursuant to §89.1193 of this title or other alternative means of dispute resolution. In accordance with the Texas Education Code, §29.010(e), [the] TEA must expedite a complaint alleging that a public education agency has refused to enroll a student eligible for special education and related services or that otherwise indicates a need for expedited resolution, as determined by [the] TEA.

(5) During the course of the investigation and in resolving the complaint, [the] TEA must:

(A) conduct an investigation of the complaint that must include a complete review of all relevant documentation and that may

include interviews with appropriate individuals and an independent on-site investigation, if necessary;

(B) consider all facts and issues presented and the applicable requirements specified in law, regulations, or standards;

(C) make a determination of compliance or noncompliance on each issue in the complaint based upon the facts and applicable law, regulations, or standards and issue a written report of findings of fact and conclusions, including reasons for the decision, and any corrective actions that are required, including the time period within which each action must be taken;

(D) review any evidence that the public education agency has corrected noncompliance on its own initiative;

(E) ensure that [the] TEA's final decision is effectively implemented, if needed, through technical assistance activities, negotiations, and corrective actions to achieve compliance; and

(F) in the case of a complaint filed by an individual other than the student's parent, provide a copy of the written report only if written parental consent has been provided to [the] TEA.

(6) In resolving a complaint in which a failure to provide appropriate services is found, [the] TEA must address:

(A) the failure to provide appropriate services, including corrective action appropriate to address the needs of the student, including compensatory services, monetary reimbursement, or other corrective action appropriate to the needs of the student; and

(B) appropriate future provision of services for all students with disabilities.

(7) In accordance with 34 CFR, §300.600(e), the public education agency must complete all required corrective actions as soon as possible, and in no case later than one year after [the] TEA's identification of the noncompliance. A public education agency's failure to correct the identified noncompliance within the one-year timeline will result in an additional finding of noncompliance under 34 CFR, §300.600(e), and may result in sanctions against the public education agency in accordance with §89.1076 of this title (relating to Interventions and Sanctions).

[f] If a party to a complaint believes that the TEA's written report includes an error that is material to the determination in the report, the party may submit a signed, written request for reconsideration to the TEA by electronic mail, mail, hand-delivery, or facsimile within 45 calendar days of the date of the report. The party's reconsideration request must identify the asserted error and include any documentation to support the claim. The party filing a reconsideration request must forward a copy of the request to the other party at the same time that the request is filed with the TEA. The other party may respond to the reconsideration request within five calendar days of the date on which the TEA received the request. The TEA will consider the reconsideration request and provide a written response to the parties within 45 calendar days of receipt of the request. The filing of a reconsideration request must not delay a public education agency's implementation of any corrective actions required by the TEA.]

[f] [g] In accordance with 34 CFR, §300.151, [the] TEA's complaint resolution procedures must be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

[g] [h] In exercising its general supervisory authority under 34 CFR, §300.149 and §300.600, [the] TEA may resolve any other credibly alleged violation of IDEA or a state special education statute or

administrative rule that it receives even if a sufficient complaint is not filed with [the] TEA in accordance with 34 CFR, §§300.151-300.153, and this section. In doing so, [the] TEA may take one or more of the following actions:

- (1) requesting a response and supporting documentation from a public education agency against which a credible violation of IDEA or a state special education statute or administrative rule has been alleged;
- (2) conducting a desk or on-site investigation of a public education agency;
- (3) making a determination regarding the allegation(s); and
- (4) requiring a public education agency to implement corrective actions to address any identified noncompliance.

(h) [+] For the purposes of subsection (g) [h] of this section, anonymous complaints, complaints that are received outside the one-calendar-year statute of limitations for a special education complaint, and complaints that do not include sufficient information or detail for [the] TEA to determine that an alleged violation of special education requirements may have occurred will not be considered to be credible complaints under this section but may possibly be addressed through the procedures describe by §97.1071 of this title (relating to Special Program Performance; Monitoring, Review, and Supports).

[j) If the public education agency against which a complaint is received under subsection (h) of this section believes that TEA made an incorrect determination of noncompliance, the public education agency may submit a written request for reconsideration to the TEA within 15 calendar days of the date that TEA issued its findings. The reconsideration request must identify the asserted error and include any documentation to support the claim. The TEA will consider the reconsideration request and provide a written response to the public education agency within 45 calendar days of receipt of the request. The filing of a reconsideration request must not delay a public education agency's implementation of any corrective actions required by the TEA.]

§89.1197. State-Administered [State] Individualized Education Program Facilitation.

(a) In accordance with Texas Education Code, §29.020, the Texas Education Agency (TEA) will establish a program that provides independent individualized education program (IEP) facilitators.

(b) For purposes of this section, where TEA is referenced in subsections (c)-(p) of this section and where not otherwise prohibited by law, TEA may delegate duties and responsibilities to an education service center (ESC) when it is determined to be the most efficient way to implement the program.

(c) For the purpose of this section, IEP facilitation has the same general meaning as described in §89.1196(a) of this title (relating to Individualized Education Program Facilitation), except that state IEP facilitation may be utilized by a school district and a parent of a student with a disability to avoid a potential dispute relating to the provision of a free and appropriate public education (FAPE) or [is used] when the admission, review, and dismissal (ARD) committee meeting has ended in disagreement [is in dispute] about decisions relating to the provision of FAPE [a free and appropriate public education] to a student with a disability and the facilitator is an independent facilitator provided by TEA.

(d) A request for IEP facilitation under this section must be filed by completing a form developed by TEA that is available upon request from TEA and on the TEA website. The form must be filed with TEA by one of the parties by electronic mail, mail, hand-delivery, or facsimile.

(e) IEP facilitation under this section must be voluntary on the part of the parties and provided at no cost to the parties.

(f) In order for TEA to provide an independent facilitator, the request must be submitted jointly by a school district and a parent of a student with a disability, and the following conditions must be met.

(1) The required form must be completed and signed by both parties.

(2) The parties believe that a state-appointed IEP facilitator may assist in avoiding a potential dispute relating to the provision of FAPE or [dispute must relate to] an ARD committee meeting has ended in disagreement regarding the provision of FAPE and the committee has [in which mutual agreement about one or more of the required elements of the IEP was not reached and the parties have] agreed to recess and reconvene the meeting in accordance with §89.1055(o) of this title (relating to Individualized Education Program).

(3) The request for IEP facilitation must be received by TEA at least 10 calendar days prior to the ARD committee meeting for which a facilitator is being requested or within 10 calendar days of the ARD committee meeting that ended in disagreement. A state-appointed[, and a] facilitator must be available on the date set for [reconvening] the meeting.

(4) The same parties must not have participated in IEP facilitation concerning the same student under this section within the same school year of the filing of the current request for IEP facilitation.

(g) Within five business days of receipt of a request for an IEP facilitation under this section, TEA will determine whether the conditions in subsections (d)-(f) of this section have been met and will notify the parties of its determination and the assignment of the independent facilitator, if applicable.

(h) Notwithstanding subsections (c)-(f) of this section, if a special education due process hearing or complaint decision requires a public education agency to provide an independent facilitator to assist with an ARD committee meeting, the public education agency may request that TEA assign an independent facilitator. Within five business days of receipt of a written request for IEP facilitation under this subsection, TEA will notify the parties of its decision to assign or not assign an independent facilitator. If TEA declines the request to assign an independent facilitator, the public education agency must provide an independent facilitator at its own expense.

(i) TEA's decision not to provide an independent facilitator is final and not subject to review or appeal.

(j) The independent facilitator assignment may be made based on a combination of factors, including, but not limited to, geographic location and availability. Once assigned, the independent facilitator must promptly contact the parties to clarify the issues, gather necessary information, and explain the IEP facilitation process.

(k) TEA will use a competitive solicitation method to seek independent facilitation services, and the contracts with independent facilitators will be developed and managed in accordance with TEA's contracting practices and procedures.

(l) At a minimum, an individual who serves as an independent facilitator under this section:

(1) must have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;

(2) must have demonstrated knowledge of and experience with the ARD committee meeting process;

(3) must have completed 18 hours or more of training in IEP facilitation, consensus building, and/or conflict resolution as specified in TEA's competitive solicitation;

(4) must complete continuing education as determined by TEA;

(5) may not be an employee of TEA or the public education agency that the student attends; and

(6) may not have a personal or professional interest that conflicts with his or her impartiality.

(m) An individual is not an employee of TEA solely because the individual is paid by TEA to serve as an independent facilitator.

(n) An independent facilitator must not be a member of the student's ARD committee, must not have any decision-making authority, and must remain impartial to the topics under discussion. The independent facilitator must assist with the overall organization and conduct of the ARD committee meeting by:

(1) assisting the committee in establishing an agenda and setting the time allotted for the meeting;

(2) assisting the committee in establishing a set of guidelines for the meeting;

(3) guiding the discussion and keeping the focus on developing a mutually agreed upon IEP for the student;

(4) ensuring that each committee member has an opportunity to participate;

(5) helping to resolve disagreements that arise; and

(6) helping to keep the ARD committee on task so that the meeting purposes can be accomplished within the time allotted for the meeting.

(o) An independent facilitator must protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

(p) TEA will develop surveys to evaluate the IEP facilitation program and the independent facilitators and will request that parties who participate in the program complete the surveys.

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

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

TRD-202600063

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: February 22, 2026

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



CHAPTER 153. SCHOOL DISTRICT PERSONNEL

SUBCHAPTER FF. COMMISSIONER'S RULES CONCERNING PREPARING AND RETAINING EDUCATORS THROUGH PARTNERSHIP PROGRAM ALLOTMENT

19 TAC §§153.1301 - 153.1306

The Texas Education Agency (TEA) proposes new §§153.1301, 153.1302, 153.1303 153.1304, 153.1305, and 153.1306, concerning school district personnel. The proposed new subchapter would establish rules concerning the Preparing and Retaining Educators Through Partnership (PREP) Program Allotment, which was enacted by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 2 established the PREP Program Allotment and requirements needed for districts and open-enrollment charter schools to access funds. New Texas Education Code (TEC), §21.911, requires the commissioner of education to establish rules necessary to implement TEC, Chapter 21, Subchapter R.

Definitions

Proposed new §153.1301 would establish definitions for commonly used terms in new Subchapter FF.

General Provisions

Proposed new §153.1302 would establish general provisions for the PREP Program Allotment. The proposed new rule would streamline and clarify general provisions that apply to all five of the PREP programs funded by the allotment. Each subsequent section under Subchapter FF would detail additional provisions unique to each of the PREP programs.

New §153.1302(a) would establish eligibility requirements for accessing PREP Program Allotment funds, application procedures, and approval processes. It would also establish a process through which school systems could identify interest in the funding opportunity, as the PREP program is an optional entitlement.

New §153.1302(b) would include provisions for school system funding and spending. PREP Program Allotment funding is based on a statutory formula, and the subsection would clarify how the TEA would calculate allotments.

New §153.1302(c) would indicate information school systems must submit to TEA in order for TEA to calculate annual allotments, along with information that would be necessary for the commissioner to engage in periodic reviews of programs under the requirements of TEC, §21.909.

New §153.1302(d) would clarify the periodic review process that the commissioner is required to implement under TEC, §21.909. This subsection would also include actions TEA may take as a result of the reviews.

New §153.1302(e) would specify how renewals or withdrawals from the program would occur to allow school systems to plan accordingly.

PREP Preservice Residency Preservice Program

HB 2, 89th Texas Legislature, 2025, created an optional PREP Residency Preservice Program, detailed in TEC, §21.904 and §48.157, for those districts choosing to implement a paid teacher residency program. Section 153.1303 would further clarify requirements in statute for the PREP Residency Preservice Program.

Proposed new §153.1303(a) would specify general provisions related to the new rule.

Proposed new §153.1303(b) would specify eligibility for school districts, charter schools, and educator preparation programs (EPPs).

Proposed new §153.1303(c) would specify program standards, including partnership agreements, clinical teaching experience, teacher resident engagement, coursework completion, and host and mentor teacher pairing.

Proposed new §153.1303(d) would establish performance goals.

Proposed new §153.1303(e) would specify timelines for periodic reviews of performance goals.

Proposed new §153.1303(f) would outline funding requirements.

Proposed new §153.1303(g) would outline program spending requirements.

PREP Grow Your Own Program

HB 2, 89th Texas Legislature, 2025, created an optional PREP Grow Your Own Program, detailed in TEC, §21.906 and §48.157, for those school districts or open-enrollment charter schools choosing to implement a Grow Your Own Program. Proposed new §153.1304 would pertain to the PREP Grow Your Own Program.

Proposed new §153.1304(a) would specify general provisions related to the new rule.

Proposed new §153.1304(b) would specify school district and charter school eligibility for participation.

Proposed new §153.1304(c) would specify program standards, including high school program requirements, requirements for supporting school district or eligible charter school employees, guidance and transition supports, scheduled release time for employees, employee job assignment, and completion of bachelor's degree and certification requirements.

Proposed new §153.1304(d) would establish performance goals.

Proposed new §153.1304(e) would specify timelines for periodic reviews of performance goals.

Proposed new §153.1304(f) would outline funding and spending requirements.

PREP Mentorship Program

HB 2, 89th Texas Legislature, Regular Session, 2025, created an optional PREP Mentorship Program, detailed in TEC, §21.907 and §48.157, for those school districts or open-enrollment charter schools choosing to implement a mentorship program in accordance with TEC, §21.458. Proposed new §153.1305 would clarify aspects of law related to mentor training programs for new teachers.

Proposed new §153.1305(a) would specify general provisions related to the new rule.

Proposed new §153.1305(b) would specify program standards, including mentor teacher qualifications, number of beginning teachers a mentor teacher may be assigned, staff who must complete mentor training, and the timelines related to mentor training. Subsection (b) would also clarify the appropriate times of day and frequency with which meetings between mentors and beginning teachers should occur and the topics that mentor teachers and beginning teachers must cover.

Proposed new §153.1305(c) would establish program performance goals.

Proposed new §153.1305(d) would outline funding and spending requirements.

EPP Training Content

Proposed new §153.1306 establishes EPP training content requirements related to the implementation of PREP Preservice Programs.

New §153.1306(a) would establish general provisions for EPP training content development and related training for faculty and staff responsible for preparing teacher candidates in preparation route established by TEC, §21.04422.

New §153.1306(b) would establish TEA processes for the development of content materials prior to use in teacher candidate preparation.

New §153.1306(c) would establish the requirement for TEA to develop and deliver training to EPP faculty and staff to implement and redeliver the required training content materials.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by establishing the PREP program and the rules that guide the program's implementation for school districts and open-enrollment charter schools.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, nor repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McLoughlin has determined that for each year of the first five years the

proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure rule language is based on current law and provide school districts and open-enrollment charter schools with clarification on the requirements and process needed to participate in the optional PREP Program Allotment. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would create a new data collection for school districts and charter schools that choose to participate in the program. The reporting requirements, authorized under TEC, §§21.902, 21.904, 21.906, and 21.907, relate to implementation of and participation in the program.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposed new rules would require a written report or other paperwork to be completed by a principal or classroom teacher, such as participation in annual surveys. However, proposal would impose the least burdensome requirement possible to achieve the objective of the rules.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins January 23, 2026, and ends February 23, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on January 23, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.901, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which establishes definitions for Preparing and Retaining Educators Through Partnership (PREP) programs; TEC, §21.902, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes provisions for three PREP Preservice Programs: PREP Preservice Traditional Program, PREP Preservice Residency Program, and PREP Preservice Alternative Program; TEC, §21.903, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes requirements for the PREP Preservice Traditional Program; TEC, §21.904, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes a PREP Preservice Residency Program for participating school districts or open-enrollment charter schools to implement teacher residency preservice programs that provide teacher candidates with extensive year-long clinical practice under the supervision of a host teacher. It also outlines permissible use of allotment funds, which include candidate pay, mentor stipends, and training and administrative costs; TEC, §21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes requirements for the PREP Preservice Alternative Program; TEC, §21.906, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes a PREP Grow Your Own Program for participating school districts or open-enrollment charter schools

to implement Grow Your Own Programs supporting district or open-enrollment charter school employees who do not hold a teaching certificate in completing a bachelor's degree and enrolling in a preparation program for teacher certification and high school students in completing education and training career and technical education (CTE) courses to help prepare students for the teaching profession. It also outlines permissible use of allotment funds, which include program implementation and paying tuition and fees for participating students and employees; TEC, §21.907, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes a PREP Mentorship Program for participating school districts or open-enrollment charter schools to implement a mentoring program that meets the requirements of TEC, §21.458, for classroom teachers who have less than two years of teaching experience. It also outlines permissible use of mentor program allotment funds, which include mentor teacher stipends, scheduled release time for mentoring activities, and mentor support through providers of mentor training; TEC, §21.908, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes requirements for educator preparation program supports; TEC, §21.909, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirement for the commissioner to establish performance standards, goals, and periodic review of the PREP program; TEC, §21.910, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which includes provisions for authority to accept certain money; TEC, §21.911, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, requires the commissioner to adopt rules as necessary to implement TEC, Chapter 21, Subchapter R; TEC, §48.157, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes a PREP Program Allotment and a formula to determine the amount to which eligible school districts and open-enrollment charter schools are entitled for each PREP program; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to develop and make available content training materials and related EPP faculty training required for preparing teacher candidates enrolled in any of the PREP Preservice Programs; and TEC, §21.044(i), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the content training requirements for teacher candidates enrolled in any of the PREP Preservice Programs.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§21.901-21.911 and 48.157, as added by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

§153.1301. Definitions.

In addition to terms defined in Texas Education Code (TEC), §21.901, the following words, terms, and phrases shall have the following meanings when used in this subchapter.

(1) **Beginning teacher**--A classroom teacher in Texas with fewer than two years of teaching experience in the subject or grade level to which the teacher is assigned.

(2) **Charter school**--A Texas public school that meets one of the following criteria:

(A) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to TEC, §12.101, identified with its own county district number;

(B) has a charter granted under TEC, Chapter 12, Subchapter C;

(C) has a charter granted under TEC, §12.256, and Human Resources Code, §221.002; or

(D) has a charter granted under TEC, §11.157(b).

(3) Classroom teacher--An educator who is employed by a school system in Texas and who, not fewer than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. The term does not include a teacher's aide or a full-time administrator. For purposes of this subchapter, a classroom teacher includes an educator who may not yet hold a certificate issued under TEC, Chapter 21, Subchapter B.

(4) Clinical teaching--This term has the meaning assigned in §228.2 of this title (relating to Definitions).

(5) Cooperating teacher--This term has the meaning assigned in TEC, §21.901(3), and further defined in §228.2 of this title.

(6) Co-teaching--This term has the meaning assigned in §228.2 of this title.

(7) Educator preparation program--This term has the meaning assigned in §228.2 of this title.

(8) Full-time mentor teacher--A mentor teacher whose primary role is supporting the development of beginning teachers through mentorship.

(9) Host teacher--This term has the meaning assigned in §228.2 of this title. A host teacher will serve in lieu of a cooperating teacher in the supervision of teacher residents.

(10) Instructional support--The range of opportunities in which an individual teacher candidate is actively supporting learners to acquire knowledge and develop skills to achieve learning goals. Settings for these activities may include, but are not limited to, co-teaching with a cooperating teacher within a classroom, research-based tutoring, and 1-1 or small group interventions.

(11) Internship--This term has the meaning assigned in §228.2 of this title.

(12) Mentor teacher--An individual who serves or has served as a teacher in Texas who provides effective support to help beginning teachers successfully transition into the teaching assignment. An appraiser, as defined by TEC, §21.351, may serve as a mentor teacher but may not mentor a classroom teacher for whom they are responsible for appraising.

(13) Preparing and Retaining Educators Through Partnership (PREP) program--One of the five PREP programs under TEC, §§21.903-21.907 and 48.157.

(14) Preservice program--One of the three PREP programs under TEC, §§21.904-21.906, that includes a partnership between a school district or eligible charter school and an eligible educator preparation program.

(15) Reduced teaching load--Rostering and scheduling strategies that reduce the number of instructional periods assigned to classroom teachers, achieved through methods such as reducing the number of sections assigned to the classroom teacher, increasing the number of students in certain sections to enable release time, hiring additional staff, or other strategic staffing approaches.

(16) Release time--Periods of time within the regularly contracted school day in which classroom teachers, teacher candidates, and educational aides are released from direct instructional activities

or responsibilities supervising students, such as arrival and dismissal duties, to engage in required activities for their roles.

(17) School system--A school district or charter school.

(18) Strategic staffing--For the purpose of the PREP programs described in this subchapter, the process by which a school system and an education preparation program design and implement a paid clinical teacher experience that is sustainably funded by reallocating school district resources to compensate teacher candidates who take on additional instructional responsibilities on the campus, such as tutoring, substitute teaching, or providing release time for lead teachers, while completing their clinical teaching requirements.

(19) Teacher--A superintendent, principal, supervisor, classroom teacher, school counselor, or other school district or charter school employee who provides direct instructional support to other teachers.

(20) Teacher candidate--This term has the meaning assigned in TEC, §21.901(8).

(21) Teacher of record--This term has the meaning assigned in §228.2 of this title.

§153.1302. General Provisions for the Preparing and Retaining Educators Through Partnership Program.

(a) Eligibility, application procedures, and approval processes.

(1) In addition to school districts, charter schools as defined in §153.1301 of this subchapter (relating to Definitions), may apply to receive funding for the Preparing and Retaining Educators Through Partnership (PREP) Program Allotment with the following provisions.

(A) All preservice PREP programs under Texas Education Code (TEC), §21.902(a), must provide practice opportunities for teacher candidates in prekindergarten-Grade 12 classrooms. Charter schools with a charter granted under TEC, §12.256, and Human Resources Code, §221.002, are ineligible to receive funding under TEC, §48.157, for PREP preservice programs under TEC, §§21.903-21.905, or the PREP Grow Your Own Program under TEC, §21.906.

(B) Charter schools with a charter granted under TEC, §12.256, and Human Resources Code, §221.002, are eligible to apply for the PREP Mentorship Program under TEC, §21.907.

(C) Charter schools that have a charter granted under TEC, Chapter 12, Subchapter C, are subject to the funding caps described in TEC, §48.157.

(D) Charter schools that have a charter granted under TEC, Chapter 12, Subchapter C, must have a written agreement with the partner school district to document how allotment funds generated through the partnership will be spent.

(2) Annually, the Texas Education Agency (TEA) will make publicly available an application and approval process for school systems to apply for PREP program funding under TEC, §§21.903-21.907 and 48.157.

(A) Annually, TEA shall provide:

(i) the timeline for application and approval; and

(ii) statutorily based minimum requirements necessary for an application to be eligible for approval.

(B) School systems must apply for approval separately for each PREP program under TEC, §§21.903-21.907. The approval of one PREP program does not guarantee approval of a separate PREP program.

(C) If TEA determines that an initial application is incomplete, the application will not be approved for funding.

(D) Applicants that are determined to meet the statutorily based minimum requirements shall be approved individually for each PREP program under TEC, §§21.903-21.907.

(E) If a school system's application for a PREP program is denied, it may submit a written response or request for a second review within 30 days of TEA sending the school system its notification.

(3) Annually, TEA will make publicly available a process through which school systems may apply for, add, or remove educator preparation program (EPP) and institution of higher education (IHE) partnerships to meet requirements under TEC, §§21.903-21.906.

(A) Only approved partnerships will be able to generate allotment funding under TEC, §48.157.

(B) Previously approved partnerships must adopt the State Board of Educator Certification-approved EPP content under §153.1306 of this subchapter (relating to Educator Preparation Program Training Content for Preparing and Retaining Educators Through Partnership Preservice Programs) or will lose funding eligibility under TEC, §48.157.

(b) Funding and spending requirements.

(1) State funding.

(A) School systems will receive PREP Program Allotment funds based on information collected via TEA data systems. Any difference from the initial and final amount will be addressed as part of the Foundation School Program settle-up process according to the provisions in TEC, §48.272.

(B) Annually, TEA will collect data on PREP program participants that will generate allotment funding under TEC, §48.157, and other related roles such as cooperating and mentor teachers. These data collections will include participant identification information in addition to campus and school system placements.

(C) School systems shall annually verify and confirm teacher candidate and beginning teacher placements and corresponding allotments by the date communicated by TEA.

(D) TEA may exercise administrative discretion to redirect or recalculate funds to a school system in which the teacher candidate is placed if a school system disputes Educator Certification Online System (ECOS) or Public Education Information Management System (PEIMS) data. Disputes must be received by the dates communicated by TEA.

(2) Spending. School systems must spend funding generated under TEC, §48.157, in accordance with the provisions under TEC, §§21.903-21.907, and the provisions within this subchapter.

(c) Program submissions.

(1) Annually, unless otherwise specified by TEA, school systems shall complete a program submission for each of the PREP programs for which they receive funds under TEC, §48.157. This program submission shall include implementation data and the distribution of allotment funds from the previous school year in accordance with the funding and spending provisions under TEC, §§21.902-21.907 and 48.157, and this section.

(A) School systems must establish local option codes to accurately monitor and report the appropriate distribution of allotment funds.

(B) School system superintendents, chief financial officers, or other staff roles identified by TEA must certify that the information in the program submission is accurate to the best of their knowledge and complies with all applicable state and federal laws, including TEC, Chapter 39, Subchapter D.

(C) The program submission must be submitted in a format prescribed by TEA and include the name and title of the certifying individual, date of certification, and statement of understanding that false certification may result in criminal penalties.

(2) Annually, unless otherwise specified by TEA, school systems must have program participants, determined by TEA and communicated annually by August 1 each year, such as teachers, campus principals, and human resources personnel, respond to surveys developed by TEA to gauge the perception of the school system's implementation of applicable PREP programs.

(3) School systems shall provide TEA all other data and information requested on PREP program implementation per TEC, §21.902(c)(4) and §21.906(d)(5), or otherwise needed to implement periodic reviews under TEC, §21.909, and subsection (d) of this section. School systems shall submit this data in the format specified by TEA by the communicated deadline. These collections shall include, at minimum, evidence of implementation of written agreements with EPPs or IHEs under TEC, §21.902(c)(1) or §21.906(d)(3), and submission of data through systems such as ECOS and PEIMS for individuals that generate an allotment under TEC, §48.157.

(d) Periodic reviews.

(1) Annually, or at any other time determined by TEA, TEA may engage in a review, pursuant to TEC, §48.272(e), and subject to the period of review limitation in TEC, §48.272(f), of a school system's approved PREP program.

(2) Annually, TEA will review the school system's program submission.

(A) If a school system's program submission under this subsection is incomplete, the commissioner:

(i) may require the school system to complete the submission;

(ii) may require the school system to develop and implement a PREP program improvement plan; or

(iii) may partially or fully rescind the school system's current allotment under TEC, §48.157.

(B) If a school system's program submission includes incorrect information, the commissioner:

(i) may review a school system's PREP Program Allotment budgets and fiscal reports under TEC, §48.010, and in accordance with subsection (e) of this section;

(ii) may take action under TEC, §48.270 and §44.051;

(iii) may require the school system to develop and implement an improvement plan;

(iv) may partially or fully rescind a school system's current allotment; or

(v) may prohibit the school system from participating in a PREP program for a period not to exceed five years consistent with TEC, §21.909(c).

(3) Every three years, TEA will review a school system's performance goal attainment according to the provisions for each of

the PREP programs under this section and §153.1303 of this subchapter (relating to Preparing and Retaining Educators Through Partnership Residency Preservice Program), §153.1304 of this subchapter (relating to Preparing and Retaining Educators Through Partnership Grow Your Own Program), and §153.1305 of this subchapter (relating to Preparing and Retaining Educators Through Partnership Mentorship Program). If, in reviewing one of the school system's PREP programs under TEC, §§21.903-21.907, the commissioner determines that the school system has failed to meet the performance goals established for a PREP program under this section and §§153.1303-153.1305 of this subchapter, the commissioner:

(A) may require the school system to develop and implement a PREP program improvement plan;

(B) may partially or fully rescind a school system's current allotment; and

(C) shall prohibit the school system from participating in a PREP program for a period not to exceed five years consistent with TEC, §21.909(c).

(e) Renewals and withdrawals.

(1) Annually, a school system that has been previously approved for funding for a PREP program and does not have a current prohibition on participation in a PREP program under subsection (d)(2)(B)(v) or (3)(A)(iii) of this section will automatically continue to generate an annual allotment under TEC, §48.157. School systems will not need to re-apply to receive year-over-year funding.

(2) School systems may withdraw from participation in a PREP program according to the timelines and processes established by TEA and made publicly available annually by May 1 each year.

§153.1303. Preparing and Retaining Educators Through Partnership Residency Preservice Program.

(a) General provisions.

(1) The commissioner of education shall establish the Preparing and Retaining Educators Through Partnership (PREP) Residency Preservice Program as a partnership preservice program to enable qualified educator preparation programs (EPPs), as determined by the commissioner, that meet the teacher residency preparation requirements under Texas Education Code (TEC), §21.04422, to form partnerships with school districts and eligible charter schools to prepare candidates for an enhanced standard certificate. Partnerships participating in this program must meet all general provisions described in §153.1302 of this subchapter (relating to General Provisions for the Preparing and Retaining Educators Through Partnership Program).

(2) For residency preservice programs to receive funds under TEC, §21.904 and §48.157, they must meet all provisions described in §153.1302 of this subchapter and the program standards listed in this section.

(b) PREP Residency Preservice Program eligibility.

(1) School district and charter school eligibility. School districts and eligible charter schools must have at least one partnership with an approved EPP that has met the eligibility requirements described in paragraph (2) of this subsection.

(2) EPP eligibility.

(A) To participate in the PREP Residency Preservice Program in the 2026-2027 school year, all EPPs must have received previous State Board of Educator Certification (SBEC) approval to offer the Teacher Residency Preparation Route established under Chapter 228 of this title (relating to Educator Preparation Program Requirements).

(B) To participate in the PREP Residency Preservice Program in the 2027-2028 school year and beyond, all EPPs must have received SBEC approval to offer the PREP Teacher Residency Preparation Route established through SBEC rulemaking authority in Chapter 228 of this title.

(c) Program standards. The partnership must meet all residency preservice partnership requirements described in TEC, §21.902 and §21.904, and requirements for the preparation route under TEC, §21.04422, and Chapter 228 of this title. The residency preservice program partnership shall:

(1) develop and submit to the Texas Education Agency (TEA), upon request, a written partnership agreement with at least one approved EPP, with an attestation and explanation of how the partnership shall meet the standards described in this subsection;

(2) provide the teacher resident with a year-long clinical teaching experience aligned to the candidate's certification area in a prekindergarten-Grade 12 classroom. Candidates must meet all requirements for clinical teaching hours and placement described in §228.65 of this title (relating to Residency). The school district or eligible charter school must support the completion of these requirements;

(3) ensure the teacher resident does not serve as a teacher of record while completing the PREP Residency Preservice Program under TEC, §21.902(e). Teacher resident engagement in responsibilities held by a teacher of record for the purpose of learning must meet the requirements described in TEC, §21.902(f);

(4) work collaboratively to ensure that a candidate's schedule supports the candidate's ability to access and complete all required coursework in the residency program;

(5) select and pair the host teacher with the teacher resident.

(A) For the 2026-2027 school year, the school district or eligible charter school will work with the EPP to ensure and track that the host teacher completes all training requirements as described in Chapter 228 of this title.

(B) For the 2027-2028 school year, the school district or eligible charter school will be responsible for registering the host teacher to complete the TEA-developed Texas Mentorship Training. The school district and eligible charter school will ensure and track that the host teacher completes all training requirements for initial participation and retraining requirements described in Chapter 228 of this title;

(6) ensure that the teacher candidate is mentored by a mentor teacher who has completed the Texas Mentorship Training established under TEC, §21.907, for the candidate's first two years as a teacher of record after completing the partnership preservice program. This requirement only applies to teachers who are initially employed in the school district or eligible charter school where they completed their residency; and

(7) commit to all other school district and eligible charter school partner requirements currently described in Chapter 228 of this title.

(d) Performance goals. Performance outcomes prioritize measurement of:

(1) evidence of partnership requirements under subsection (c)(1)-(7) of this section;

(2) percent of teacher residency candidates who complete certification requirements by attaining an enhanced standard certificate; and

(3) teacher resident employment in Texas school districts and eligible charter schools.

(e) Timelines for periodic reviews. The commissioner will review the performance goals described in subsection (d) of this section for each participating residency preservice program beginning three years following the initial PREP Residency Preservice Program approval under §153.1302(a)(4) of this subchapter.

(f) Program funding.

(1) School district and eligible charter school funding.

(A) The school district or eligible charter school will receive initial payment per TEC, §48.157(j)(2), for up to 40 residents.

(B) The school district or eligible charter school will receive the remaining allotment as described under TEC, §48.157(b)(2), upon the candidate's successful attainment of the enhanced standard certificate within one year of beginning the residency program.

(C) The school district or eligible charter school may fund up to 40 additional teacher residents at the rate described in TEC, §48.157(g). Residents must still be compensated as described in TEC, §21.904(d). This provision is only applicable if the school district or eligible charter school does not exceed the total number of candidates under TEC, §48.157(f)(1).

(2) EPP funding. The EPP will receive funding described under TEC, §48.157(h), when each teacher resident completes a full year of employment in a Texas school district or eligible charter school as a teacher of record following attainment of the enhanced standard certificate.

(g) Program spending. Money received under TEC, §48.157, may be used only to implement the PREP Residency Preservice Program and must meet the following spending requirements.

(1) School districts and eligible charter schools shall use funds provided under TEC, §48.157(b)(2), to compensate teacher residents and host teachers as described in TEC, §21.904(c). Teacher residents must be additionally compensated as described in TEC, §21.904(d). The remaining discretionary funding under TEC, §48.157(b)(2), must be used to support the residency preservice program (for example, paying for the TEA-adopted Texas Mentorship Training or funding salaries for program implementation supports, EPP partner supports, expansion of host teacher stipends, or strategic staffing training and support).

(2) EPPs must meet spending requirements pertaining to EPPs under TEC, §48.157(h).

§153.1304. Preparing and Retaining Educators Through Partnership Grow Your Own Program.

(a) General provisions.

(1) The commissioner of education shall establish the Preparing and Retaining Educators Through Partnership (PREP) Grow Your Own Program to enable qualified institutions of higher education (IHEs) and educator preparation programs (EPPs), as determined by the commissioner, to form partnerships with school districts and eligible charter schools to establish innovative staffing pipelines to ensure the availability of high-quality classroom teachers to benefit future school district or charter school students.

(2) The PREP Grow Your Own Program applies to school districts and eligible charter schools that seek to support the following aspiring teacher programs. To attain allotment funding, applicants:

(A) must establish an employee program for school district and eligible charter school employees who remain employed in the school district while completing their bachelor's degree and EPP requirements for teacher certification. Employees must be full-time while serving as a paraprofessional or in a role supporting the instruction of students that is not the teacher of record; and

(B) may establish a program for high school students completing education and training career and technical education (CTE) courses and dual enrollment educator pathway coursework.

(3) For a school district or an eligible charter school to receive funds for the PREP Grow Your Own Program under Texas Education Code (TEC), §21.906 and §48.157, it must meet all provisions described in §153.1302 of this subchapter (relating to General Provisions for the Preparing and Retaining Educators Through Partnership Program) and the program standards listed in subsection (c) of this section.

(b) School district and charter school eligibility. To participate in the PREP Grow Your Own Program, applicants must meet the following eligibility criteria in addition to the requirements described in §153.1302(a) of this subchapter.

(1) Approval to participate in a PREP Preservice Program is described in §153.1302 of this subchapter.

(A) For the 2026-2027 school year, applicants must be approved to participate in the PREP Residency Preservice Program (TEC, §21.904).

(B) For the 2027-2028 school year, applicants must be approved to participate in at least one PREP Preservice Program (TEC, §§21.903, 21.904, or 21.905).

(2) Participating school districts and eligible charter schools must have a written partnership agreement with a bachelor's-degree-conferring IHE and an accredited Texas EPP (if not included within the IHE). The partnership agreement must be established prior to PREP Grow Your Own Program implementation.

(c) Program standards.

(1) High school program. The participant must ensure the following requirements during the high school student's experience in the PREP Grow Your Own Program.

(A) Students must have access to practice in education and training CTE courses and/or dual credit coursework meeting the requirements described in Chapter 127, Subchapter G, of this title (relating to Education and Training).

(B) During the education and training practicum course, students must be paired with a cooperating teacher who has agreed to participate and meets all the cooperating teacher guidelines developed by the employing school district, their IHE, and EPP partners.

(C) Students must have access to transition supports that provide guidance and support to enroll in a post-secondary pathway. These may include:

(i) providing students information regarding local IHEs or community colleges that offer pathways to teacher preparation programs and approved PREP allotment partnership preservice programs under TEC, §21.902; or

(ii) holding, at minimum, one synchronous IHE/community college recruitment event annually to discuss the

school district's or eligible charter school's approved partnership preservice programs.

(D) Students shall obtain the Educational Aide I Certificate to the extent practicable.

(2) School district or eligible charter school employee program. The participant must ensure the following requirements during the employee's experience in the PREP Grow Your Own Program.

(A) Employees must have monthly scheduled release time to support completion of a bachelor's degree while remaining employed in the school district. The school district must work with the undergraduate degree program and the EPP to establish a release time schedule that addresses the employee's needs.

(B) Employees must be employed in a role that includes instructional support for students. Employees must spend at least 25% or more of their day focused on instructional support, including the requirement to practice teaching under the supervision of a cooperating teacher.

(C) Employees must have access to transition supports as described in paragraph (1)(C) of this subsection.

(D) Employees must be paired with a cooperating teacher as described in paragraph (1)(B) of this subsection.

(E) Employees may not serve as a teacher of record while completing the PREP Grow Your Own Program under TEC, §21.902(g)(1). Employee engagement in responsibilities held by a teacher of record for the purpose of learning must meet the requirements described in TEC, §21.902(h).

(F) Employees must attain an Educational Aide III certificate within the first year of beginning participation in the school district's or eligible charter school's PREP Grow Your Own Program.

(G) Employees must complete their bachelor's degree and, at a minimum, be enrolled in an accredited EPP within three years of formally beginning participation in the school district's or eligible charter school's PREP Grow Your Own Program.

(d) Performance goals. Performance goals prioritize measurement of the following.

(1) For the PREP Grow Your Own high school program:

(A) evidence of all high school student program requirements under subsection (c)(1)(A)-(C) of this section;

(B) percent of students who obtain the Educational Aide I certificate; and

(C) percent of students enrolled in a bachelor's degree program.

(2) For the PREP Grow Your Own employee program:

(A) evidence of all employee program requirements under subsection (c)(2)(A)-(D) of this section;

(B) percent of employees who obtain the Educational Aide III certificate;

(C) percent of employees enrolled in an EPP within three years of beginning the program; and

(D) percent of employees who complete their bachelor's degree within three years.

(e) Timelines for periodic reviews. The commissioner will review the performance goals described in subsection (d)(1) of this section for each school district and eligible charter school participant be-

ginning three years following the initial PREP Grow Your Own Program approval under §153.1302(a)(4) of this subchapter.

(f) Funding and spending requirements. School districts and eligible charter schools participating in the PREP Grow Your Own Program must meet funding and spending requirements described in TEC, §48.157.

(1) Funding. The school district's or eligible charter school's PREP Grow Your Own Program will receive the remaining 50% of the funding described in TEC, §48.157, when the PREP Grow Your Own employee completes the bachelor's degree requirements and has, at a minimum, enrolled in an accredited EPP within three years of beginning participation.

(2) Spending. Money received under TEC, §48.157, must be used to implement the PREP Grow Your Own Program (for example, implementation of the high school education and training program, tuition for aspiring teachers, wrap-around and transition supports, strategic staffing training and implementation, costs associated with employee preparation in a PREP Preservice Program, and local salaries for program implementation support).

§153.1305. Preparing and Retaining Educators Through Partnership Mentorship Program.

(a) General provisions.

(1) The commissioner of education shall establish the Preparing and Retaining Educators Through Partnership (PREP) Mentorship Program to provide mentorship to beginning teachers under Texas Education Code (TEC), §§21.907, 21.458, and 48.157.

(2) In order for a school system to receive funds for the PREP Mentorship Program under TEC, §21.907 and §48.157, they must meet all provisions described in §153.1302 of this subchapter (relating to General Provisions for the Preparing and Retaining Educators Through Partnership Program) and the program standards in subsection (b) of this section.

(b) Program standards.

(1) Mentor teacher qualifications. A school system must:

(A) prioritize the selection of current classroom teachers as mentor teachers using clear selection criteria, protocols, and hiring processes that align with requirements of this paragraph and TEC, §21.458, and retain documentation of such processes locally;

(B) select mentor teachers who:

(i) have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance as determined by a set of student growth and/or achievement data. School systems may use the approved designations under TEC, §21.3521, to fulfill this requirement;

(ii) demonstrate interpersonal skills and dispositional criteria prioritized and documented by the school system;

(iii) demonstrate instructional effectiveness and expertise, to the extent practicable, in research-based instructional practices specifically for the grade levels and subjects to which the beginning teacher is assigned; and

(iv) demonstrate leadership skills such as an ability to effectively communicate, influence colleagues to take action, and build trusting relationships with colleagues; and

(C) prioritize the selection of mentor teachers who have experience as classroom teachers in the past three years.

(2) Mentor teacher assignment. School systems must agree to assign no more than:

(A) two beginning teachers to a mentor teacher who serves as a teacher of record for, on average, four or more hours per instructional day;

(B) four beginning teachers to a mentor teacher who serves as a teacher of record for, on average, less than four hours per instructional day;

(C) fifteen beginning teachers to an individual who serves as a full-time mentor teacher; or

(D) four beginning teachers to an individual who serves as neither a teacher of record nor a full-time mentor teacher.

(3) Mentor training. A school system must:

(A) ensure and track that mentor teachers and any appropriate school system and campus employees, such as principals, assistant principals, and instructional coaches, who work with a beginning teacher, supervise a beginning teacher, or oversee the mentorship program complete the Texas Mentorship Training established by the Texas Education Agency (TEA) every three years and:

(i) ensure that mentor teachers and any appropriate school system and campus employees are trained before the beginning of the school year or within three weeks after being assigned a beginning teacher; and

(ii) provide training in alignment with the Texas Mentorship Training scope and sequence that includes best mentorship practices to mentor teachers and any appropriate school system and campus employees throughout the school year;

(B) in the years between Texas Mentorship Trainings, ensure that returning mentor teachers who have completed the Texas Mentorship Training are trained by the school system before the school year begins and one time per semester; and

(C) ensure that any new mentor teachers complete the Texas Mentorship Training in their first year of mentoring.

(4) School system support for mentorship time, scheduling, and logistics. A school system must designate a specific time during the regularly contracted school day for meetings between mentor teachers and the beginning teachers they mentor, which must abide by the mentor teacher and beginning teachers' entitled planning and preparation requirements in TEC, §21.404 and §21.405, and the provisions of paragraph (5)(A) of this subsection. The specific time may vary by campus, grade level, or content area and must be documented by the school system and may be provided through either:

(A) a reduced teaching load for mentor and beginning teachers to facilitate mentor teacher duties described in paragraph (5) of this subsection, which may include rostering and scheduling strategies that provide classroom teachers fewer periods of instruction during the day via approaches such as reducing the number of sections assigned to the mentor teacher, increasing the number of students in certain sections to enable release time, hiring additional staff, or other strategic staffing approaches; or

(B) a release time that is, to the extent practicable, scheduled in advance and predictable.

(5) Duties of a mentor teacher. A mentor teacher must:

(A) meet with each beginning teacher assigned to the mentor teacher not less than 12 hours each semester, with co-teaching or observations of the mentor teacher or other highly effective teachers by the beginning teacher being mentored or observations of the begin-

ning teacher being mentored by the mentor teacher counting toward the 12 hours each semester;

(B) guide, assist, give feedback to, and support the beginning teacher through mentoring sessions addressing:

(i) orientation to the context, policies, and practices of the school system, including:

(I) how to use school system and campus expectations within the classroom and implement routines and procedures with consistency to promote a positive learning environment;

(II) instructional materials, including formative and summative assessments;

(III) campus policies and practices related to instructional preparation; and

(IV) professional expectations;

(ii) data-driven instructional practices, including student work analysis protocols that analyze student work samples individually or collaboratively with the goal of understanding students' thinking, identifying strengths and progress toward mastery, and determining gaps in skills and knowledge; and

(iii) specific instructional coaching cycles, including:

(I) observation and actionable feedback related to research-based instructional strategies;

(II) coaching regarding conferences between parents and the beginning teacher; and

(III) review of available professional development opportunities aligned to feedback; and

(C) meet the mentor requirements specified in Chapter 228 of this title (relating to relating to Educator Preparation Program Requirements) if mentoring a classroom teacher engaging in an internship.

(6) Teacher participation reporting. A school system must ensure mentor teachers and beginning teachers participating in the mentorship program are accurately coded in a data system specified by TEA, such as the Educator Certification Online System, in accordance with TEA's specifications and deadlines.

(c) Performance goals. Performance goals prioritize measurement of:

(1) mentor teacher qualifications under subsection (b)(1) of this section;

(2) mentor teacher training completion under subsection (b)(3) of this section;

(3) mentor teacher duties under subsection (b)(5)(A)-(B) of this section; and

(4) school system duties related to mentoring time, scheduling, and logistics under subsection (b)(4) of this section.

(d) Funding and spending requirements.

(1) A school system shall use money received under TEC, §48.157(b)(5), to provide stipends for mentor teachers, including:

(A) for mentor teachers under subsection (b)(2)(A) and (B) of this section, \$1,000 per beginning teacher; and

(B) for mentor teachers under subsection (b)(2)(C) and (D) of this section, at least \$1,000.

(2) If any money received under TEC, §48.157, remains after providing stipends to mentor teachers in accordance with subsection (c) of this section, the school system may use that money to provide:

(A) scheduled release time for mentor teachers and classroom teachers being mentored to meet and engage in mentoring activities; and

(B) support for mentor teachers through mentor training, strategic staffing training, and compensation for school system staff responsible for overseeing and directing the annual mentorship training requirements.

§153.1306. Educator Preparation Program Training Content for Preparing and Retaining Educators Through Partnership Preservice Programs.

(a) General provisions. The commissioner of education shall develop and make available content training materials and related training required for Educator Preparation Program (EPP) faculty and staff who are responsible for preparing teacher candidates enrolled in any of the Preparing and Retaining Educators Through Partnership (PREP) Preservice Programs under Texas Education Code (TEC), §21.067 and §21.044(i).

(b) Texas Education Agency (TEA) processes for materials development. TEA shall develop EPP training content materials as determined by the commissioner for use in the preparation of candidates being prepared in a PREP Preservice Program. TEA shall develop the materials in the following manner.

(1) TEA staff will provide regular updates to the State Board for Educator Certification (SBEC) regarding proposed content development or updates and related timelines.

(2) TEA staff will ensure training content materials will be designed to meet the requirements under TEC, §21.067(b).

(3) TEA staff will conduct a final review of materials prior to recommending that SBEC take action to require use of the materials in the preparation of teacher candidates in a PREP Preservice Program (TEC, §21.0044(i)(1)).

(c) Training and certification of EPP staff and faculty.

(1) TEA shall develop and provide training to EPP faculty and staff to support EPPs to:

(A) implement and effectively redeliver the materials described in subsection (b) of this section in the preparation of candidates being prepared through PREP Preservice Programs; and

(B) implement and effectively deliver the Texas Reading Academies and Math Achievement Academies required for the preparation of certain teacher candidates under TEC, §21.044(i)(2), being prepared through PREP Preservice Programs.

(2) TEA shall include a faculty certification process within the faculty training described in paragraph (1) of this subsection.

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

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

TRD-202600065

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: February 22, 2026

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



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 101. DENTAL LICENSURE

22 TAC §101.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.1, pertaining to general qualifications for dental licensure. The proposed amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental licensure. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice dentistry in Texas. The proposed amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a license may be issued or renewed.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing dentistry in Texas who is not legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite

8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

Cross reference to statute: Texas Occupations Code §254.001(a). 8 US Code §1621.

§101.1. General Qualifications for Licensure.

(a) Any person desiring to practice dentistry in the State of Texas must possess a license issued by the State Board of Dental Examiners (Board) as required by the Dental Practice Act and Board rules.

(b) Any applicant for licensure under this chapter must meet the requirements of this section.

(c) To be eligible for licensure, an applicant must present on or accompanying a licensure application form approved by the Board proof satisfactory to the Board that the applicant:

(1) Is at least 21 years of age;

(2) Has submitted documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(3) [(2)] Is professionally fit, which is demonstrated by patterns of personal, academic and occupational behaviors, including final or pending disciplinary action on an occupational license in any jurisdiction, which, in the judgment of the Board, indicate honesty, accountability, trustworthiness, reliability, integrity, and ability;

(4) [(3)] Has successfully completed a current course in basic life support;

(5) [(4)] Has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(6) [(5)] Has paid all application fees required by the Dental Practice Act and Board rules;

(7) [(6)] Has submitted fingerprints for the retrieval of criminal history record information;

(8) [(7)] Has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; and

(9) [(8)] Has submitted a National Practitioner Data Bank self-query report upon initial licensure. The report results must remain in the original sealed envelope.

(d) In conjunction with the application, the applicant must provide any information requested by the Board pursuant to §254.019(b) of the Dental Practice Act. If an applicant fails to comply with this subsection, then the applicant is subject to disciplinary action, which includes administrative fines and public disciplinary sanctions.

(e) Applications for licensure must be delivered to the office of the Board.

(f) An application for licensure is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application for licensure and fee will be returned to the applicant with an explanation of additional documentation or information needed.

(g) Each applicant must submit to the Board the documents and information required by this chapter and other documents or information requested by the Board to evaluate an application and take appropriate actions.

(h) An applicant for licensure is ineligible if they are in violation of a board order at the time of application.

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

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

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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.1, pertaining to general qualifications for hygiene licensure. The proposed amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for hygiene licensure. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice hygiene in Texas. The proposed amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a license may be issued. The proposed amendment also corrects a grammatical error.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing dental hygiene in Texas who is not legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

CROSS REFERENCE TO STATUTE: Texas Occupations Code §254.001(a). 8 US Code §1621.

§103.1. General Qualifications for Licensure.

(a) Any person desiring to practice dental hygiene in the State of Texas must possess a license issued by the State Board of Dental Examiners (Board) as required by the Dental Practice Act and Board rules.

(b) Any applicant for licensure under this chapter must meet the requirements of this section.

(c) To be eligible for licensure, an applicant must present on or accompanying a licensure application form approved by the Board proof satisfactory to the Board that the applicant:

(1) Is at least 18 years of age;

(2) Has submitted documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(3) [2] Is professionally fit, which is demonstrated by patterns of personal, academic and occupational behaviors, including final or pending disciplinary action on an occupational license, which, in the judgment of the Board, indicate honesty, accountability, trustworthiness, reliability, integrity, and ability;

(4) [3] Has graduated from an accredited high school or holds a certificate of high school equivalency, General Equivalency Diploma (GED);

(5) [4] Has graduated from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (CODA) with a degree in dentistry or a degree or certificate in dental hygiene, or has graduated from a CODA-accredited school or college of dental hygiene with a degree in dental hygiene;

(6) [(5)] Has taken and passed the examination for dental hygienists given by the American Dental Association Joint Commission on National Dental Examinations;

(7) [(6)] Has met the requirements of §101.8 of this title (relating to Persons with Criminal Backgrounds);

(8) [(7)] Has successfully completed a current course in basic life support;

(9) [(8)] Has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year prior to application;

(10) [(9)] Has paid all application, examination and licensing fees required by the Dental Practice Act and Board rules;

(11) [(10)] Has submitted fingerprints for the retrieval of criminal history record information;

(12) [(11)] Has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; and

(13) [(12)] Has submitted a National Practitioner Data Bank self-query report upon initial licensure. The report results must remain in the original sealed envelope.

(d) Applications for licensure must be delivered to the office of the Board.

(e) An application for licensure is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application for licensure and fee will be returned to the applicant with an explanation of additional documentation or information needed.

(f) Each applicant must submit to the Board the documents and information required by this chapter and other documents or information requested by the Board to evaluate an application and take appropriate actions.

(g) An applicant for licensure is ineligible if they are in violation of a board order at the time of application.

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

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

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: February 22, 2026

For further information, please call: (737) 363-2333



CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.6

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.6, pertaining to general qualifications for dental assistant registration or certification. The

proposed amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for a dental assistant registration or certification. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice in Texas. The proposed amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a registration or certification may be issued. The proposed amendment also corrects grammatical errors.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing dentistry in Texas who is not legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8,600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

Cross reference to statute: Texas Occupations Code §254.001(a). 8 US Code §1621.

§114.6. *General Qualifications for Registration or Certification.*

(a) Any person who desires to provide dental assistant services requiring registration or certification must obtain the proper registration or certification issued by the Board before providing the services, except as provided in Texas Occupations Code §265.001(d) and §114.11 of this chapter.

(b) Any applicant for registration or certification must meet the requirements of this chapter.

(c) To be eligible for registration or certification, an applicant must provide with an application form approved by the Board satisfactory proof to the Board that the applicant:

(1) has fulfilled all requirements for registration or certification outlined in this chapter;

(2) Has submitted documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(3) [(2)] has met the requirements of §101.8 of this title (relating to Persons with Criminal Backgrounds);

(4) [(3)] has not had any disciplinary action taken in this state or any other jurisdiction;

(5) [(4)] has successfully completed a current course in basic life support;

(6) [(5)] has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(7) [(6)] has paid all application, examination and registration or certification fees required by the Dental Practice Act [law] and Board rules [and regulations];

(8) [(7)] has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; and

(9) [(8)] has submitted a National Practitioner Data Bank self-query report upon initial registration or certification. The report results must remain in the original sealed envelope.

(d) Applications for dental assistant registration and certification must be delivered to the office of the State Board of Dental Examiners.

(e) An application for dental assistant registration or certification is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application will be returned to the applicant with an explanation of additional documentation or information needed.

(f) The Board may refuse to issue a registration or certificate or may issue a conditional registration or certificate to any individual who does not meet the requirements of subsections (c)(3) or (c)(4) [(e)(2) or (e)(3)] of this section, or who:

(1) presents to the Board fraudulent or false evidence of the person's qualification for registration or certification;

(2) is guilty of any illegality, fraud, or deception during the process to secure a registration or certification;

(3) is habitually intoxicated or is addicted to drugs;

(4) commits a dishonest or illegal practice in or connected to dentistry;

(5) is convicted of a felony under federal law or law of this state; or

(6) is found to have violated a law of this state relating to the practice of dentistry within the 12 months preceding the date the person filed an application for a registration or certification.

(g) If the Board chooses to issue a conditional registration or certificate, the individual may be required to enter into an agreed settlement order with the Board at the time the registration or certificate is issued.

(1) The order may include limitations including, but not limited to, practice limitations, stipulations, compliance with court ordered conditions, notification to employer or any other requirements the Board recommends to ensure public safety.

(2) In the event an applicant is uncertain whether he or she is qualified to obtain a dental assistant registration or certification due to criminal conduct, the applicant may request a Criminal History Evaluation Letter in accordance with §114.9 of this chapter, prior to application.

(3) Should the individual violate the terms of his or her conditional registration or certificate, the Board may take additional disciplinary action against the individual.

(h) An applicant whose application is denied by the Board may appeal the decision to the State Office of Administrative Hearings.

(i) An individual whose application for dental assistant registration/certification is denied is not eligible to file another application for registration/certification until the expiration of one year from the date of denial or the date of the Board's order denying the application for registration/certification, whichever date is later.

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

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Lauren Studdard
General Counsel
State Board of Dental Examiners

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For further information, please call: (737) 363-2333



CHAPTER 116. DENTAL LABORATORIES

22 TAC §116.3

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §116.3, pertaining to registration and renewal of dental laboratories. The proposed amendment requires certain personal identification documents that an individual applicant must submit in an initial and renewal application for a dental laboratory registration. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to own a dental laboratory in Texas. The proposed amendment would require the applicant to submit appropriate documentation verifying legal presence and work authorization before a dental laboratory registration may be issued or renewed. Additionally, the proposed amendment removes references to the Dental Laboratory Certification Council (DLCC). Chapter 266 of the Texas Occupations Code pertaining to the regulation of dental laboratories was amended by Senate Bill 313 of the 85th Texas Legislature, Regular Session (2017). The bill repealed chapter sections that referenced the DLCC. The Board no longer uses the council.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in registration applications and ensuring that individual dental laboratory owners are legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does

not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

CROSS REFERENCE TO STATUTE: Texas Occupations Code §254.001(a). 8 US Code §1621.

§116.3. Registration and Renewal.

(a) A dental laboratory shall be registered according to the provisions of Occupations Code, Subchapter D, §§266.151 - 266.154.

(b) To qualify for a dental laboratory registration, the applicant must submit an application including the following information:

(1) the name, physical address, phone number, and email address of the laboratory;

(2) the name, address, phone number, and email address of the laboratory owner;

(3) if the laboratory owner is an individual, then he or she must submit documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(4) [§3] the date the laboratory opened or will open for business;

(5) [§4] type of ownership;

(6) [§5] if the laboratory is a corporation, the state in which the corporation is incorporated;

(7) [§6] if the laboratory is a subsidiary corporation, the name of the parent company, the state in which the parent company is incorporated, and the percent of stock that the parent company owns in the subsidiary;

(8) [§7] the laboratory manager's name, phone number, and email address;

(9) [§8] if the laboratory owner or manager has ever been convicted of a misdemeanor or a felony, an explanation and court disposition documents;

(10) [§9] if the applicant has ever held a laboratory registration in Texas, the owner's name, manager's name, CDT of record, laboratory name, address, DBA, and lab registration number;

(11) [§10] if the applicant, owner, or manager has ever been the subject of a disciplinary investigation or action, including a cease and desist order, in any jurisdiction, an explanation of that investigation or action;

(12) [§11] the notarized signature of the laboratory owner or general manager;

(13) [§12] if a certified dental technician of [or] record is required:

(A) the name, home address, telephone number, email address, and notarized signature of the laboratory's certified dental technician of record;

(B) a copy of the certified dental technician's current certification card with the expiration date indicated; and

(C) a statement as to whether the certified dental technician of record is the certified dental technician of record for any other dental laboratory in the state of Texas, and if so, the dental laboratory's Texas registration number; and

(14) [§13] any other information required by the Board.

(c) Board staff [The Dental Laboratory Certification Council (DLCC)] shall review each application for registration or renewal of registration to determine if the applicant meets the requirements of Occupations Code, Chapter 266. The following materials must be submitted: [Applications will be forwarded with a recommendation to the Board for registration if the requirements of Occupations Code, Chapter 266 and this chapter are met, and the following materials are submitted:]

(1) A complete application or renewal, with all required information;

(2) proof of compliance with §116.6 of this chapter;

(3) the appropriate fee; and

(4) effective January 1, 2009, for initial registrations only and once every three years for registration renewals, proof of completion of the Texas Jurisprudence Assessment for dental laboratories. The Jurisprudence Assessment must be taken by the laboratory owner or the laboratory's general manager.

(d) It shall be the duty of each laboratory owner or manager to notify the Board in writing within 60 days of:

(1) a change in ownership or management of the laboratory;

(2) a change in location of the laboratory;

(3) closure of the laboratory;

(4) a change of designated CDT, in which case the notice must be accompanied by proof of current CDT certification for the replacement CDT;

(5) a change of designated employee, if the laboratory is exempted under §116.5 of this chapter. A change of designated employee will require proof within six (6) months of the change that the designated employee meets continuing education requirements; or

(6) a change in mailing address for the owner or manager of the laboratory.

(e) Any laboratory owner applying for a new laboratory registration who has pending fees and/or penalties due from a previous laboratory registration when such laboratory was closed for non-compliance with subsection (d) of this section must first remit to the Board any fees and penalties due on that previous registration before the new registration application will be considered by the Board [DLCC].

(f) An initial registration certificate issued under this chapter on or after September 1, 2009 expires on the 30th day after the date the registration certificate is issued if the holder of the registration certificate fails to pay the required registration certificate fee on or before that date.

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

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

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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



CHAPTER 117. FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §117.2, pertaining to dental faculty licensure. The proposed amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental faculty licensure. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice as a faculty dentist in

Texas. The proposed amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a faculty license may be issued.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing in Texas who is not legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

Cross reference to statute: Texas Occupations Code §254.001(a). 8 US Code §1621.

§117.2. Dental Faculty Licensure.

(a) Effective March 1, 2004, the SBDE will issue a license to a dental school faculty member who provides direct patient care, upon payment of a fee in an amount set by the Board, who meets all the following criteria:

(1) submits documentation of proof of United States citizenship, legal permanent residency in the United States, or federal

work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(2) [(1)] holds a degree from a dental school;

(3) [(2)] holds a full-time or part-time salaried faculty position at a dental or dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association;

(4) [(3)] obtains endorsement of the application from the Dean, Department Chair, or Program Director of the employer-school;

(5) [(4)] pays an application fee set by the Board; and

(6) [(5)] has taken and passed the jurisprudence examination administered by the SBDE or its designated testing service.

(b) An applicant for a license under this chapter must file an application for the license not later than the 30th day after the date the person begins employment with the dental or dental hygiene school.

(c) A license under this chapter must be renewed annually. Upon renewal, a license holder must submit an employment affidavit form completed by the Dean, Department Chair, or Program Director of the employer-school.

(d) A license issued under this chapter expires on the termination of employment with the dental or dental hygiene school.

(e) A license holder whose employment with a dental or dental hygiene school terminates and who is subsequently employed by the same or different dental or dental hygiene school must comply with requirements for obtaining an original license, except that the person is not required to re-take the jurisprudence exam.

(f) A license issued under this chapter does not authorize the license holder to engage in the practice of dentistry or dental hygiene

outside the auspices of the employing dental or dental hygiene school or program.

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

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

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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



22 TAC §117.3

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §117.3, pertaining to dental hygiene faculty licensure. The proposed amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental hygiene faculty licensure. The proposed amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice as a faculty hygienist in Texas. The proposed amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a faculty license may be issued.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this proposed rule will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing in Texas who is not legally authorized to work or reside in Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule does not limit an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and

(8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

CROSS REFERENCE TO STATUTE: Texas Occupations Code §254.001(a). 8 US Code §1621.

§117.3. Dental Hygiene Faculty Licensure.

(a) Effective March 1, 2004, the SBDE will issue a license to a dental hygiene school faculty member who provides direct patient care, upon payment of a fee in an amount set by the Board, who meets all the following criteria:

(1) submits documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(2) [4] holds a degree from a dental hygiene school;

(3) [2] holds a full-time or part-time salaried faculty position at a dental or dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association;

(4) [3] obtains endorsement of the application from the Dean, Department Chair, or Program Director of the employer-school;

(5) [4] pays an application fee set by the Board; and

(6) [5] has taken and passed the jurisprudence examination administered by the SBDE or its designated testing service.

(b) An applicant for a license under this chapter must file an application for the license not later than the 30th day after the date the person begins employment with the dental or dental hygiene school.

(c) A license under this chapter must be renewed annually. Upon renewal, a license holder must submit an employment affidavit form completed by the Dean, Department Chair, or Program Director of the employer-school.

(d) A license issued under this chapter expires on the termination of employment with the dental or dental hygiene school.

(e) A license holder whose employment with a dental or dental hygiene school terminates and who is subsequently employed by the same or different dental or dental hygiene school must comply with requirements for obtaining an original license, except that the person is not required to re-take the jurisprudence exam.

(f) A license issued under this chapter does not authorize the license holder to engage in the practice of dentistry or dental hygiene outside the auspices of the employing dental or dental hygiene school or program.

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

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

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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



PART 11. TEXAS BOARD OF NURSING

CHAPTER 217. LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.8

INTRODUCTION. The Texas Board of Nursing proposes new 22 Texas Administrative Code §217.8 to require certain personal identification documents that an applicant must submit in an application for licensure or licensure renewal. These proposed amendments are necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice nursing in Texas.

BACKGROUND.

Proposed new 22 Texas Administrative Code §217.8 is intended to prevent fraudulent activity and to ensure that individuals li-

censed to practice nursing in Texas are legally present and authorized to work in the United States.

The proposed new section is necessary to clarify how legal presence requirements apply to nursing licensure and practice in Texas and to communicate those requirements to applicants, license holders, employers, and relevant governmental authorities. The rule would require applicants and license holders to submit appropriate documentation verifying legal presence and work authorization before a license may be issued or renewed.

The Board recognizes that, in certain circumstances, foreign-educated or foreign-based applicants may seek licensure or licensure eligibility prior to their physical presence in the United States in order to comply with federal immigration processes. To address this practical consideration, the proposed rule would allow the Board to issue a preliminary determination of eligibility for licensure.

The Board anticipates that this approach will support statewide efforts to strengthen the nursing workforce while ensuring that all licensees are legally present and authorized to practice in Texas.

FISCAL NOTE. Dr. Kristin Benton, DNP, RN, Executive Director, has determined that for each year of the first five years the proposed new section will be in effect, there may be an effect on the volume of international applicants who seek licensure or licensure renewal in Texas which may impact state government revenue.

PUBLIC BENEFIT/COST NOTE. Dr. Benton has also determined that for each year of the first five years that the proposed rules are in effect, the anticipated public benefit will be reducing the risk of fraud in licensure applications and ensuring that no licensee is practicing nursing in Texas without being legally authorized to work or reside in Texas.

COSTS TO REGULATED PERSONS. Dr. Benton anticipates that there will be no cost to comply with these requirements for the vast majority of licensees and applicants. Individuals who do not have the necessary documents to establish legal presence may have to pay the application costs necessary to obtain those documents. The Board anticipates that the majority of applicants and licensees will comply with the section by uploading a state identification document, driver's license, or a United States passport. The cost to persons required to comply with the proposal through those mechanisms would be \$33 or less for the Texas driver's license fee and \$165 or less for a United States passport. This rule is necessary to protect the health, safety, and welfare of the residents of this state. As such, the Board finds that Texas Government Code §2001.045(c)(6) applies.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. In accordance with Government Code §2006.002, the Board has reviewed the proposed amendments and determined that they will not result in any adverse economic impact on small businesses, micro-businesses, or rural communities in Texas.

Currently, employers across the United States are required by law to verify the identity and employment authorization of every individual they hire. Additionally, employers must complete and retain an Employee Eligibility Verification (Form I-9) for each employee to ensure compliance with federal immigration and employment laws. The proposed amendments to the rule do not introduce any new requirements for businesses or communities, and therefore, are not expected to place additional burdens on them.

In terms of businesses or communities that rely on the recruitment of international nurses, the Board acknowledges the potential concern that changes in the rule could impact the number of international nurses seeking to legally immigrate to Texas. The Board does not currently have specific data to assess whether the proposed language would discourage nurses from pursuing legal immigration to Texas. To address this potential issue, the proposed rule includes provisions that would allow the Board to offer a preliminary determination of eligibility for applicants. This determination is expected to effectively mitigate any effect on the recruitment of nurses from abroad.

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

GOVERNMENT GROWTH IMPACT STATEMENT. The Board is required, pursuant to Tex. Gov't Code §2001.0221 and 34 Tex. Admin. Code §11.1, to prepare a government growth impact statement. The Board has determined for each year of the first five years the proposed amendments will be in effect: (i) the proposal does not create or eliminate a government program; (ii) implementation of the proposal does not require the creation of new employee positions; (iii) implementation of the proposal is not anticipated to require an increase in future legislative appropriations to the Board; (iv) the proposal does not require an increase or decrease in fees paid to the Board; (v) the proposed rule technically creates a new government regulation; (vi) the proposal does not expand, limit, or repeal an existing regulation; (vii) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and (viii) the proposal does not have an effect on the state's economy.

REQUEST FOR PUBLIC COMMENT. Comments on this proposal may be submitted to James W. Johnston, General Counsel, Texas Board of Nursing, 1801 Congress Avenue, Suite 10-200, Austin, Texas 78701, or by e-mail to dusty.johnston@bon.texas.gov, or faxed to (512) 305-8101. Comments must be received no later than thirty (30) days from the date of publication of this proposal. If a hearing is held, written and oral comments presented at the hearing will be considered.

STATUTORY AUTHORITY. These rule sections are proposed under the authority of Texas Occupations Code §301.151, the Board's general rulemaking authority. The Board may adopt and enforce rules consistent with this chapter necessary to perform its duties and conduct proceedings before the board and regulate the practice of nursing.

CROSS REFERENCE TO STATUTE. Texas Occupations Code §301.151. 8 U.S. Code §1621.

§217.8. Verification of Legal Presence and License Eligibility.

(a) An applicant for licensure or licensure renewal must submit official documentary evidence or information to establish authorization to be legally employed in the United States under federal law before the Board may issue or renew a license. The Board accepts the following identification documents:

(1) an unexpired driver's license or state identification certificate that complies with REAL ID issued by a state or territory of the United States, unless the driver's license is marked "Limited Term" or "Temporary";

(2) an unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(3) a United States birth certificate accompanied by an unexpired driver's license or state identification certificate that does not comply with REAL ID, issued by a state not listed in paragraph (2) of this subsection;

(A) For purposes of this section, birth certificate is defined as an original birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in the U.S.; or

(B) An original United States government-issued document indicating birth of a child born abroad to a United States Citizen, including a Consular Report of Birth or Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545);

(4) a valid passport;

(A) For purposes of this section, a valid passport is defined as an unexpired passport or passport card issued by the United States government; or

(B) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(5) an unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(6) Permanent Resident Card that does not expire before the license sought expires;

(7) US Certificate of Naturalization (N-550; N-570);

(8) US Certificate of Citizenship (N-560; N-561); or

(9) Form I-94 reflecting a departure date after the expiration of the license sought unless the Form I-94 reflects the bearer only has Parole status.

(b) Certification of Eligibility.

(1) The Board may proceed with all aspects of the application review process, including administration of required examinations (such as the NCLEX or the Jurisprudence Exam), and making determinations of good professional character, pending receipt of the documentation required by subsection (a) of this section.

(2) The Board may issue a written certification of eligibility or similar preliminary determination confirming that the applicant meets all licensure requirements, except for demonstrating legal authorization to be employed in the United States.

(3) The final license or licensure renewal shall not be issued until the applicant submits information sufficient for the Board to verify that the applicant possesses the necessary documentation establishing legal right to work in the United States in accordance with federal law.

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

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James W. Johnston
General Counsel
Texas Board of Nursing
Earliest possible date of adoption: February 22, 2026
For further information, please call: (512) 305-6821



PART 39. TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

CHAPTER 851. TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS LICENSING AND ENFORCEMENT RULES

SUBCHAPTER A. DEFINITIONS

22 TAC §851.10

The Texas Board of Professional Geoscientists (TBPG) proposes an amendment concerning the licensure and regulation of Professional Geoscientists in Texas. TBPG proposes amendments to 22 TAC §851.10, regarding Definitions.

BACKGROUND, PURPOSE, AND SUMMARY OF CHANGES

TBPG recently surveyed its licensees and based on their feedback is proposing a new rule. The proposed rules establish criteria to apply for Emeritus Texas Professional Geoscientist status or be nominated as a Distinguished Texas Professional Geoscientist for exceptional public geoscience work. The proposed rule, if adopted, would allow TBPG to recognize licensees with established periods of exemplary public geoscience work.

FISCAL NOTE - STATE AND LOCAL GOVERNMENT

Rene D. Truan, Executive Director of the Texas Board of Professional Geoscientists, has determined that for each fiscal year of the first five years the rules are in effect these proposals have no foreseeable implications relating to cost or revenues of the state or of local governments caused by enforcing or administering the proposed rules. This is a voluntary recognition program for retiring licensees. As such, the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.

PUBLIC BENEFIT AND COST

Mr. Truan has also determined that for each year of the first five years the section is in effect, the public will benefit from adoption of the section. The public benefit anticipated as a result of enforcing or administering the sections includes ensuring that TBPG rules are clear and consistent as they relate to geoscience licensure in Texas and as they relate to the Recognition Programs. There will be no anticipated economic cost to individuals who are required to comply with the proposed sections as this is a voluntary recognition program for retiring licensees. As such, the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.

SMALL, MICRO-BUSINESS, LOCAL ECONOMY, AND RURAL COMMUNITIES ECONOMIC IMPACT ANALYSIS

Mr. Truan has determined that the proposed rule will not have an adverse effect on small businesses, micro-businesses, local

economy, or rural communities. Consequently, neither an economic impact statement, a local employment impact statement, nor a regulatory flexibility analysis is required.

GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years that the rule would be in effect:

- (1) the proposed rules do not create or eliminate a government program;
- (2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rules do not require an increase or decrease in fees paid to the agency; As the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.
- (5) the proposed rules do not create a new regulation;
- (6) the proposed rules do not expand or repeal an existing regulation;
- (7) the proposed rules do not increase or decrease the number of individuals that are subject to the rules' applicability; and
- (8) the proposed rules do not positively or adversely affect this state's economy.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

Mr. Truan has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. Although Professional Geoscientists and Registered Geoscience Firms play a key role in environmental protection for the state of Texas, this proposal is not specifically intended to protect the environment nor reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

Comments on the proposed amendment may be submitted in writing to Rene D. Truan, Executive Director, Texas Board of Professional Geoscientists, 1801 Congress, Suite 7.800, Austin, Texas 78701 or by mail to P.O. Box 13225, Austin, Texas 78711 or by e-mail to rtruan@tbpg.texas.gov. Please indicate "Comments on Proposed Rules" in the subject line of all e-mails submitted. Please submit comments within 30 days following publication of the proposal in the *Texas Register*.

STATUTORY AUTHORITY

This section is proposed under the Texas Geoscience Practice Act, Occupations Code §1002.151, which authorizes the Board to adopt and enforce all rules consistent with the Act as necessary for the performance of its duties; §1002.255, which authorizes the Board to establish license eligibility requirements, and §1002.259, which authorizes the Board to waive any requirement for licensure except for the payment of required fees.

This section affects the Texas Geoscience Practice Act, Occupations Code §§1002.151 and 1002.259.

§851.10. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

(1) - (43) (No change.)

(44) TBPG Recognition Programs--Recognition programs established by TBPG for licensed Texas Professional Geoscientists based on established periods of recognized public geoscience practice. At present, two designations have been created. TBPG may establish, modify, or abolish programs that recognize TBPG licensees based on their service as licensed Professional Geoscientists in Texas.

(A) Distinguished Texas Professional Geoscientist--An honorary designation granted by TBPG for active licensees that recognizes their exemplary and sustained professional public practice of geoscience in Texas. Qualification criteria for this recognition are established by the TBPG Board. This designation may be revoked by the TBPG Board. Refer to §851.24 of this chapter (relating to References) for additional information.

(B) Emeritus Texas Professional Geoscientist--An honorary designation granted by TBPG to recognize a licensee's extended period of professional licensed geoscience practice in Texas. Qualification and application criteria for this recognition are established by the TBPG Board. This designation may be revoked by the TBPG Board. Refer to §851.24 of this chapter for additional information.

(C) Other recognition programs also may be created, as identified by the TBPG Board.

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

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TRD-202600059

Katie Colby

Licensing Specialist

Texas Board of Professional Geoscientists

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For further information, please call: (512) 936-4428



SUBCHAPTER B. P.G. LICENSING, FIRM REGISTRATION, AND GIT CERTIFICATION

22 TAC §851.24

The Texas Board of Professional Geoscientists (TBPG) proposes a new rule concerning the licensure and regulation of Professional Geoscientists in Texas. TBPG proposes a new rule §851.24 for Recognition Programs.

BACKGROUND, PURPOSE, AND SUMMARY OF CHANGES

TBPG recently surveyed its licensees and based on their feedback is proposing a new rule. The proposed rules establish criteria to apply for Emeritus Texas Professional Geoscientist status or be nominated as a Distinguished Texas Professional Geoscientist for exceptional public geoscience work. The proposed rule, if adopted, would allow TBPG to recognize licensees with established periods of exemplary public geoscience work.

FISCAL NOTE - STATE AND LOCAL GOVERNMENT

Rene D. Truan, Executive Director of the Texas Board of Professional Geoscientists, has determined that for each fiscal year of the first five years the rules are in effect these proposals have no foreseeable implications relating to cost or revenues of the state or of local governments caused by enforcing or administering the proposed rules. This is a voluntary recognition program for retiring licensees. As such, the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.

PUBLIC BENEFIT AND COST

Mr. Truan has also determined that for each year of the first five years the section is in effect, the public will benefit from the adoption of the section. The public benefit anticipated as a result of enforcing or administering the sections includes ensuring that TBPG rules are clear and consistent as they relate to geoscience licensure in Texas and as they relate to the Recognition Programs. There will be no anticipated economic cost to individuals who are required to comply with the proposed sections as this is a voluntary recognition program for retiring licensees. As such, the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.

SMALL, MICRO-BUSINESS, LOCAL ECONOMY, AND RURAL COMMUNITIES ECONOMIC IMPACT ANALYSIS

Mr. Truan has determined that the proposed rule will not have an adverse effect on small businesses, micro-businesses, local economy, or rural communities. Consequently, neither an economic impact statement, a local employment impact statement, nor a regulatory flexibility analysis is required.

GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years that the rule would be in effect:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency; As the fees to enter Emeritus status are balanced by no longer being active status and paying renewal fees.
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand or repeal an existing regulation;
- (7) the proposed rule does not increase or decrease the number of individuals that are subject to the rules' applicability; and

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

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

Mr. Truan has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. Although Professional Geoscientists and Registered Geoscience Firms play a key role in environmental protection for the state of Texas, this proposal is not specifically intended to protect the environment nor reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

Comments on the proposed new rule may be submitted in writing to Rene D. Truan, Executive Director, Texas Board of Professional Geoscientists, 1801 Congress, Suite 7.800, Austin, Texas 78701 or by mail to P.O. Box 13225, Austin, Texas 78711 or by e-mail to rtruan@tbpg.texas.gov. Please indicate "Comments on Proposed Rules" in the subject line of all e-mails submitted. Please submit comments within 30 days following publication of the proposal in the *Texas Register*.

STATUTORY AUTHORITY

This section is proposed under the Texas Geoscience Practice Act, Occupations Code §1002.151, which authorizes the Board to adopt and enforce all rules consistent with the Act as necessary for the performance of its duties; §1002.255, which authorizes the Board to establish license eligibility requirements, and §1002.259, which authorizes the Board to waive any requirement for licensure except for the payment of required fees.

This section affects the Texas Geoscience Practice Act, Occupations Code §§1002.151 and 1002.259.

§851.24. TBPG Recognition Programs.

Recognition Programs are established by TBPG to recognize Texas Professional Geoscientists for their geoscience practice over time. TBPG may review and amend the requirements for these Programs. The qualifications and requirements for each of these programs are:

(1) Distinguished Texas Professional Geoscientist.

(A) Distinguished Texas Professional Geoscientist is an honorary designation that may be granted by TBPG for active licensees that recognizes their exemplary and sustained professional public practice of geoscience in Texas. The TBPG Board or Staff will nominate licensees for this designation.

(B) Qualification criteria for this recognition are established by the TBPG Board. All licensees being considered for this recognition will be reviewed by the TBPG Board and approved by vote at scheduled TBPG Board meetings.

(C) The licensee must be an active Texas Professional Geoscientist in good standing, current in license renewal fees, and Continuing Education (CE) requirements.

(D) The licensee must not have had any penalties imposed by TBPG during their entire period of licensure as a Texas Professional Geoscientist.

(E) The licensee must have been licensed as a Texas Professional Geoscientist for a minimum of fifteen (15) years.

(F) The licensee receiving this recognition must continue to meet all licensing and renewal requirements, including payment of renewal fees and meeting CE requirements.

(G) The licensee receiving this recognition may use the title Distinguished Texas Professional Geoscientist for as long as they maintain their good standing.

(H) This designation may be revoked by the TBPG Board if they determine that the designee has violated TBPG Rules.

(2) Emeritus Texas Professional Geoscientist.

(A) Emeritus Texas Professional Geoscientist is an honorary designation for licensees who are retired, or intend to retire, from the public practice of geoscience and no longer practice in Texas. This designation may be granted by TBPG to recognize the licensee's extended period of professional licensed geoscience practice in Texas. Active and retired licensees may apply for this designation.

(B) Qualification criteria for this recognition are established by the TBPG Board. All licensees being considered for this recognition will be reviewed by the TBPG Board and approved by vote at scheduled TBPG Board meetings.

(C) The applicant must be an active Texas Professional Geoscientist in good standing at the time of application or qualify under the criteria listed in subparagraph (G) of this paragraph.

(D) An applicant must have a minimum of twenty (20) years of service as a licensed Texas Professional Geoscientist.

(E) An applicant must be at least sixty-five (65) years of age at the time of application.

(F) The applicant must complete an application form provided by TBPG, including a signed attestation of the total years of Texas licensed professional geoscience practice.

(G) Texas Professional Geoscientists may apply for Emeritus status until their license becomes permanently expired pursuant to §851.10(28)(C) of this chapter (relating to Definitions). One-time application fees are as follows:

(i) Up to one year after license expiration: Fee \$25;

Fee \$50; or
(ii) During the second year after license expiration:

(iii) During the third year after license expiration:

Fee \$75.

(H) After Emeritus recognition is awarded by TBPG, the licensee may retain their Texas Professional Geoscientist inactive license number and but may no longer practice geoscience before the public or use their Texas Professional Geoscientist seal in any capacity.

(I) Any practice of geoscience by an Emeritus Texas Professional Geoscientist will be considered a serious violation of TBPG Rules and may result in enforcement actions and the loss of this honorary designation.

(J) Licensees receiving this recognition may use the title Emeritus Texas Professional Geoscientist if they wish.

(K) Emeritus designees who later decide to re-enter the professional public practice of geoscience may do so by reapplying for licensure. If successful, such licensees will receive a new Texas Professional Geoscientist license number and may not reapply for Emeritus status.

(L) This designation may be revoked by the TPG Board if they determine that a designee has violated TPG Rules.

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

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

TRD-202600058

Katie Colby

Licensing Specialist

Texas Board of Professional Geoscientists

Earliest possible date of adoption: February 22, 2026

For further information, please call: (512) 936-4428

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 55. LAW ENFORCEMENT

SUBCHAPTER A. PROOF OF RESIDENCY REQUIREMENTS

31 TAC §55.1

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §55.1, concerning Proof of Residency Requirements. The proposed amendment would prescribe identification requirements for the acquisition of certain licenses and permits issued by the department and retitle the section accordingly.

The proposed amendment would require persons who seek to obtain certain licenses and permits issued by the department to present, at the time of application or purchase, a driver's license or personal identification certificate issued by a state or territory of the United States of which the person is a resident that complies with the federal REAL ID Act of 2005, unless otherwise provided; or a driver's license or personal identification certificate issued by the government of the country of which the person is a resident, accompanied by a valid foreign passport. Additional documentation options are provided for residents of a state or territory of the United States including a United States passport or passport card, United States military identification card, immigration-related documents issued by the United States Government, or a certified birth certificate; and for residents of Texas also a concealed handgun license. The proposed amendment also makes conforming alterations as necessary.

The proposed amendment is necessary to provide an administrative process to verify that persons engaged in certain activities permitted or licensed by the department are capable of compliance with statutory personal identification requirements as a

condition of permit or license issuance and use and that such personal identification documents are valid.

Robert Macdonald, Regulations Coordinator, has determined for each of the first five years that the rule as proposed is in effect, there will be significant fiscal impacts to the department as a result of administering and enforcing the amendment, primarily in the form of programming and support costs associated with the department's point-of-sale and online vending systems, which will require modification to implement document processing functionality. The department estimates that such costs could be significant; however, those costs cannot be explicitly quantified at this time.

There will be no fiscal impacts to other units of government as a result of enforcing or administering the rule as proposed.

Mr. Macdonald also has determined that for each of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the rule as proposed will be the increased assurance that department license products will not be acquired, possessed or used by persons who are not entitled by law to obtain, possess, or use them.

There will be no direct adverse economic impacts to most persons required to comply with the rule as proposed, as the requirements of the proposed rule involve documentation that is highly likely to be already possessed as a consequence of being required by law for other purposes, such as motor vehicle operation and registration, under statutory and regulatory provisions that do not involve or require the involvement of the department. For a person who does not possess a driver's license or personal identification certificate meeting the requirements of the rule, the cost of compliance is estimated to be at or around \$33, which is the cost of REAL ID documentation issued by the State of Texas.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, and rural communities. As required by Government Code, §2006.002(g), in April 2008, the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses, micro-businesses, and rural communities. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules regulate various aspects of recreational license privileges that allow individual persons to pursue and harvest wildlife resources in this state and therefore do not directly affect small businesses or micro-businesses. Therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has determined that the proposed rule will not affect rural communities because the rule does not directly regulate any rural community.

The department has not drafted a local employment impact statement under the Government Code, §2001.022, as the

agency has determined that the rule as proposed will not result in direct impacts to local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding *per se*; not affect the amount of any fee; not create a new regulation or repeal an existing regulation, but will modify existing rules to provide for administrative verification of compliance with current statutory requirements for personal identification; not increase the number of individuals subject to regulation; and not positively or adversely affect the state's economy in any significant way.

Comments on the proposed rule may be submitted to James Murphy, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-8877, e-mail: CommissionPublicComment@tpwd.texas.gov; or via the department's website at [www\(tpwd.texas.gov](http://www(tpwd.texas.gov)).

The amendment is proposed under Parks and Wildlife Code, §11.004, which gives the commission the authority to prescribe by rule the proof required to demonstrate residency in this state for the purpose of obtaining a license or permit issued by the department.

The proposed amendment affects Parks and Wildlife Code, §11.004.

§55.1. Proof of Residency and Identification Requirements.

(a) The requirements of this section are in addition to any requirements of Parks and Wildlife Code, Chapters 42 and 46.

(1) A person who seeks to purchase or obtain a permit or license listed in subsection (d) of this section (applicant) must present:

(A) if the applicant is a resident of Texas:

(i) a valid driver's license issued by the Texas Department of Public Safety not less than six months prior to the application to the department for a resident license or permit that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary"; or

(ii) if the applicant does not possess a valid Texas driver's license meeting the requirements of clause (i) of this subparagraph, an otherwise valid Texas driver's license, accompanied by one of the following documents:

(I) a United States passport or passport card;

(II) a United States military identification card;

(III) a handgun license issued by the Texas Department of Public Safety;

(IV) an original birth certificate issued by the appropriate vital statistics agency of a United States state or territory, or the District of Columbia, indicating birth in the United States; or

(V) an original United States government-issued document indicating birth of a child born abroad to a United States citizen, including a Consular Report of Birth Abroad (form FS-240), Certification of Report of Birth (form DS-1350), or Certificate of Birth Abroad (from FS-545);

(B) if the applicant is a resident of a state or territory of the United States other than Texas:

(i) a valid, unexpired driver's license or personal identification certificate issued by a state or territory of the United States of which the person is a resident that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(ii) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states of which the person is a resident: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Wisconsin, or Wyoming;

(iii) if the applicant does not possess a driver's license meeting the requirements of clause (i) or (ii) of this subparagraph, a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States, accompanied by one of the following documents:

(I) an original birth certificate issued by the appropriate vital statistics agency of a United States state or territory, or the District of Columbia, indicating birth in the United States; or

(II) an original United States government-issued document indicating birth of a child born abroad to a United States citizen, including a Consular Report of Birth Abroad (form FS-240), Certification of Report of Birth (form DS-1350), or Certificate of Birth Abroad (from FS-545);

(iv) a United States passport or passport card;

(v) a United States military identification card; or

(C) if the applicant is a resident of another country:

(i) a valid, unexpired driver's license or personal identification certificate issued by the government of the person's country of residence; and

(ii) an unexpired passport issued by the government of another country accompanied by, if required for entry into the United States from the person's country of residency, a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security. [Except as provided by Parks and Wildlife Code, §12.114, no person is required to possess the documentation required by paragraphs (2) or (3) of this subsection on their person while:]

[(A) purchasing a license or permit; or

[B) engaging in an activity for which a license or permit issued by the department is required.]

(2) Proof that a person has resided continuously in Texas for more than six months immediately before applying for a resident license or permit issued by the department shall consist of the documentation required by paragraph (1)(A) of this subsection and any two [three] of the following:

(A) a current property tax statement indicating that the person is the owner of homestead property in Texas;

(B) a valid drivers license issued by the Texas Department of Public Safety not less than six months prior to the application to the department for a resident license or permit;

(C) [(D)] the most recent six months of utility bills showing the person's name and a physical address in Texas;

(D) [(E)] the most recent six months of paycheck receipts showing the person's name and a physical address in Texas;

(E) [(F)] a current Texas voter registration certificate showing the person's name and a physical address in Texas, issued not less than six months prior to an application to the department for a license or permit;

(F) [(G)] the person's most recent tax return statement from the Internal Revenue Service showing the person's name and a physical address in Texas;

(G) [(H)] a current vehicle registration showing the person's name and a physical address in Texas, issued not less than six months prior to an application to the department for a license or permit; or

(H) a statement from the person's parole board or probation officer attesting to the fact that the person has continuously resided in Texas for the six months immediately preceding the application for a license or permit.

(3) - (8) (No change.)

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

(d) The provisions of subsection (a)(1) of this section apply to the following permits and licenses:

(1) resident hunting;

(2) senior resident hunting;

(3) nonresident general hunting;

(4) nonresident five-day hunting;

(5) Texas resident active-duty military hunting package;

(6) special resident fishing license;

(7) "year-from-purchase" resident fishing license;

(8) Texas resident active-duty military "all water" fishing package;

(9) resident freshwater fishing package;

(10) resident saltwater fishing package;

(11) resident "all water" fishing package;

(12) senior resident freshwater fishing package;

(13) senior resident saltwater fishing package;

(14) senior resident "all water" fishing package;

(15) resident one-day "all water" fishing license;

(16) nonresident freshwater fishing package;

(17) nonresident saltwater fishing package;

(18) nonresident "all water" fishing package;

(19) nonresident one-day "all water" fishing package;

(20) resident combination hunting and freshwater fishing package;

(21) resident combination hunting and saltwater fishing package;

(22) resident combination hunting and "all water" fishing package;

(23) resident senior combination hunting and freshwater fishing package;

(24) resident senior combination hunting and saltwater fishing package;

(25) resident senior combination hunting and "all water" fishing package;

(26) resident super combination hunting and "all water" fishing package;

(27) resident senior super combination hunting and "all water" fishing package;

(28) disabled veteran super combination hunting and "all water" fishing package;

(29) Texas resident active-duty military super combination hunting and "all water" fishing package;

(30) lifetime resident super combination hunting and "all water" fishing package;

(31) lifetime resident hunting;

(32) lifetime resident fishing; and

(33) Lake Texoma Fishing License.

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

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

TRD-202600082

James Murphy

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: February 22, 2026

For further information, please call: (512) 389-4775

