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

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

TITLE 1. ADMINISTRATION

PART 10. DEPARTMENT OF INFORMATION RESOURCES

CHAPTER 213. ELECTRONIC AND INFORMATION RESOURCES

The Texas Department of Information Resources (department) proposes amendments to 1 Texas Administrative Code Chapter 213, §§213.1, 213.10 - 213.13, 213.15 - 213.21, 213.30 - 213.33, and 213.35 - 213.41, concerning Electronic and Information Resources. The proposed changes include but are not limited to the addition of new definitions and modifications to existing definitions in §213.1; amendments throughout Subchapters B and C to clarify the federal standards to which state agencies, including institutions of higher education, are held; and transitioning the role of the Electronic and Information Resources Accessibility Coordinator (EIRAC) to that of Digital Accessibility Officer in §§213.20 and 213.40. In addition, the department proposes a new rule, §213.4, which consolidates departmental responsibilities previously replicated in both Subchapters B and C. The department also proposes the repeal of §§213.22 and 213.42 as outdated holdover provisions and replaces them with an applicable standards provision.

The proposed amendments are the result of the department's statutory quadrennial rule review of 1 Texas Administrative Code Chapter 213 in addition to the passage of new federal accessibility rules applying to state agencies. The notice of rule review was published in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6751).

Throughout 1 Texas Administrative Code Chapter 213, the department proposes amendments to existing language for readability and clarification of the rules' intent and entity responsibility in addition to the correction of legal citation formatting.

In §213.1, the department proposes adding the following definitions because of new or revised content in Chapter 213: "Digital Accessibility" and "DOJ Title II Rule."

The department proposes amending the definitions of "Completed Accessibility Conformance Report (ACR)," "Accessible," "Alternate Methods," "Electronic and Information Resources (EIR)," "Product," "Telecommunications," "Voluntary Product Accessibility Template (VPAT)," and "Worldwide Web Consortium Web Content Accessibility Guidelines 2.0" found in § 213.1 to reflect current definitions by either incorporating by reference existing statutory language or to align with currently widely accepted industry definitions.

The department proposes the creation of §213.4 to consolidate department responsibilities currently duplicated across both Subchapter B, for state agencies, and Subchapter C, for institutions of higher education to increase regulatory efficiency by removing language regarding department-only activities with no requirements for state agencies or institutions of higher education.

In §213.10, for state agencies, and §213.30, for institutions of higher education, the department proposes amending the section title to remove duplicative language. The department also proposes removing federal rule section titles and the required effective date as it is no longer necessary, incorporating federal rule requirements to which Texas state agencies are already subject by reference.

In §213.11, for state agencies, and §213.31, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary and incorporating by reference additional federal rules to which Texas state agencies are already subject.

In §213.12, for state agencies, §213.32, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, amending the appropriate standards for video and multimedia EIR, and requiring state agencies and institutions of higher education to provide closed captioning and alternative forms of accommodation upon request as mandated by federal law.

In §213.13, for state agencies, and §213.33, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary and removing rule section titles.

In §213.15, for state agencies, and §213.35, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, incorporating by reference additional federal rules to which Texas state agencies are already subject, and removing federal section rule titles.

In §213.16, for state agencies, and §213.36, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, incorporating by reference additional federal rules to which Texas state agencies are already subject, and removing federal section rule titles.

In §213.17, for state agencies, and §213.37, for institutions of higher education, the department proposes removing the required effective dates as they are no longer necessary. The department also proposes incorporating by reference the DOJ Title II Rule excluding web-based products and amending existing language from "significant difficulty" to "significant barrier." The department further proposes incorporating a requirement for approved accessibility exceptions to also include a list of

compliance issues posing a risk to the agency with anticipated impact of each issue. In addition, the department proposes transferring existing language regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4.

In §213.18, for state agencies, and §213.38, for institutions of higher education, the department proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4. The department further proposes incorporating statutory references to clarify that existing language regarding commodity procurements only relate to procurement through the department's information technology commodity program. In addition, the department proposes amending the information a vendor is permitted to provide as evidence of accessibility.

In §213.19, for state agencies, and §213.39, for institutions of higher education, the department proposes updating the section title to reflect additions to this section. The department further proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4. In addition, the department proposes clarifying existing language regarding training on accessibility-related rules to specify that training must cover how to comply with 1 Texas Administrative Code Chapters 206 and 213 in addition to requiring state agencies and institutions of higher education to establish goals for making EIR accessible.

In §213.20, for state agencies, and §213.40, for institutions of higher education, the department proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4 and incorporating a reference to Texas Government Code §2054.464 and the newly-created §213.4(d) to clarify the survey that the rule is referencing.

In §213.21, for state agencies, and §213.41, for institutions of higher education, the department proposes updating the section title to reflect amendments to this section. The department proposes consolidating the accessibility policy minimum requirements into a single subsection rather than broken into two distinct subsections. In addition, the department proposes renaming the EIR Accessibility Coordinator role to that of Digital Accessibility Officer, streamlining the responsibilities to require compliance with 1 Texas Administrative Code Chapters 206 and 213 and to oversee agency-wide progress in digital accessibility best practices, and clarifying that a state agency or institution of higher education may either hire a person for this person or assign the responsibilities to an existing employee. Finally, the department proposes amending these sections to make explicit the requirement that state agencies and institutions of higher education report their designated person sitting in this role to the department.

The department proposes repealing §213.22, for state agencies, and §213.42, for institutions of higher education, as the holdover is no longer necessary. The department proposes replacing these sections with an Applicable Standards provision that directs state agencies and institutions of higher education to adhere to the higher standard if there is a discrepancy between federal standards.

There is no economic impact on rural communities, small businesses, or micro-businesses as a result of enforcing or administering the amended rule as proposed.

The changes to the chapter apply to state agencies and institutions of higher education.

The assessment of the impact of the proposed changes on institutions of higher education was prepared in consultation with the Information Technology Council for Higher Education (ITCHE) in compliance with Texas Government Code §2054.121(c). DIR submitted the proposed amendments to the Information Technology Council of Higher Education for their review and to assist in DIR's preparation of the statutory impact statement. While ITCHE did identify impacts resulting from the federal DOJ Title II rules, they did not relay any information indicating there was a direct impact upon institutions of higher education as a result of the proposed amendments to 1 TAC Chapter 213. After consulting with ITCHE, DIR has determined there is no impact to institutions of higher education as a result of the proposed rule.

Endi Silva, Chief Experience Officer, has determined that there will be no fiscal impact upon state agencies, institutions of higher education, and local government during the first five-year period following the adoption of the proposed amendments. The department is required by Texas Government Code §2054.453 to adopt accessibility rules, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy, and to consider the provisions of 36 C.F.R. Part 1194, which includes Section 508, already imposed under this chapter. In addition to the Section 508 requirements imposed under the rule as currently written, Texas state agencies and institutions of higher education are already subject to the requirements of the DOJ Title II Rule as proposed due to their status as public entities, defined by federal rule as any state government, including any department, agency, or other instrumentality of the state. Furthermore, the proposed amendments simply amend existing language to ensure clarity and readability, rebrand the Electronic and Information Accessibility Coordinator (EIRAC) to the Digital Accessibility Officer without a substantive alteration to the responsibilities of this individual, reduce unnecessary and duplicated rules by consolidating department-only responsibilities into a singular section, and provide direction regarding the appropriate standard to apply if there is a discrepancy between federal standards. As such, there is no fiscal impact as a result of the administrative rule.

For each year of the first five years following the adoption of the amended 1 Texas Administrative Code Chapter 213, Ms. Silva has determined that there are no anticipated additional economic costs to persons or small businesses required to comply with the amendments and proposed new rules.

Pursuant to Government Code §2001.0221, the agency provides the following Governmental Growth Impact Statement for the proposed amendment. The agency has determined the following:

1. The proposed rules neither creates nor eliminates a government program.

2. Implementation of the proposed rules does not require the creation or elimination of employee positions. There are no additional employees required nor employees eliminated to implement the rule as amended.

3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency. There is no fiscal impact as the administrative rule proposed by the department does not require an increase or decrease in future legislative appropriations. The DOJ Title II Rules passed by the federal government and applicable to Texas state agencies, including institutions of higher education, regardless of the adoption of 1 Texas Administrative Code Chapter 213, may result in a fiscal impact to the state.

4. The proposed rules do not require an increase or decrease in fees paid to the agency.

5. The proposed rules create a new section that consolidates department responsibilities into a singular section. These responsibilities were previously replicated in both Subchapters B and C.

6. The proposed rules repeal the existing §§213.22 and 213.42 and replace these with identically numbered sections.

7. The proposed rules do not increase or decrease the number of individuals subject to the rule's applicability. Texas Government Code Chapter 2054, Subchapter M, requires state agencies to comply with accessibility rules established by the department. Texas Government Code §2054.451(2) establishes the parameters of the term "state agency," which identifies the entities that are subject to the amended rule sections' requirements.

8. The proposed rules do not positively or adversely affect the state's economy. The creation of rules establishing electronic and information accessibility requirements for the state ensures that state agencies and institutions of higher education are aligning their accessibility practices with federal requirements.

Written comments on the proposed rules may be submitted to Christi Koenig Brisky, Assistant General Counsel, 300 West 15th Street, Suite 1300, Austin, Texas 78701, or to rules.review@dir.texas.gov. Comments will be accepted for 30 days after publication in the *Texas Register*.

SUBCHAPTER A. DEFINITIONS AND DEPARTMENT RESPONSIBILITIES

1 TAC §213.1

The amendments are proposed pursuant to Texas Government Code §2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code §2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.1. Applicable Terms and Technologies for Electronic and Information Resources.

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

(1) [~~Completed~~] Accessibility Conformance Report (ACR)--A report based on a completed VPAT demonstrating how a product or service conforms to WCAG standards and success criteria [~~an accessibility report of an EIR item's compliance with Section 508 that is created using a VPAT template~~].

(2) Accessible--Describes an EIR that does not depend on a single sense or ability and does not limit use by people with disabilities. [~~Describes an electronic and information resource that can be used in a variety of ways and (the use of which) does not depend on a single sense or ability.~~]

(3) Agency head--The top-most senior executive with operational accountability for an agency, department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of the state; or institutions of higher education as defined in Texas Education Code §61.003.

(4) Alternate formats--Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this chapter.

(5) Alternate methods--Different means of providing information, including product documentation and the provision of government services through EIR, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

(6) Assistive technology--Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(7) Commercial off-the-shelf product--A [~~a~~] software product that is available in the commercial marketplace prior to customization.

(8) Department--The Department of Information Resources.

(9) Digital Accessibility--The practice of designing, developing, and maintaining EIR in a manner that ensures individuals with disabilities can access and utilize the technology.

(10) DOJ Title II Rule--The final rule published by the U.S. Department of Justice titled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Communications Technology" (28 CFR Part 35, RIN 1190-AA80). This federal regulation requires state and local government entities to ensure that their web content and mobile applications are readily accessible to and usable by individuals with disabilities by conforming to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards or higher.

(11) [~~(9)~~] Electronic and information resources (EIR)--As defined by Texas Government Code §2054.451. [~~Includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, store, or deliver data or information. EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines.~~] The term does not include [~~any~~] equipment that contains embedded information technology where the principal function is not processing or managing information [~~that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology~~]. If the embedded information technology processes or manages information through [~~has~~] an external [~~externally available~~] web or computer interface, that interface is considered EIR. Other terms such as, but not limited to, Information and Communica-

tions Technology (ICT) as defined by Section 508 Standards, Information Technology (IT) and[,] Electronic Information Technology (EIT), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance with this chapter.

(12) [~~(10)~~] Electronic and information resources (EIR) Development Services--Design, development, and / or programming services that developers provide for web development, application development, and/or configuration that impacts a user interface [~~to enterprises and software publishers~~].

(13) [~~(11)~~] Exception--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title or, as applicable, the DOJ Title II Rule, which has been approved by the agency head or the President or Chancellor of an Institution of Higher Education.

(14) [~~(12)~~] Exemption--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title, which has been approved by the department and which is applicable statewide.

(15) [~~(13)~~] Hardware--[.]A tangible device, equipment, or physical component of ICT, such as telephones, computers, multifunction copy machines, and keyboards.

(16) [~~(14)~~] Major information resource project (MIRP)--Any information resources technology project that meets the criteria defined in Texas Government Code §2054.003(10).

(17) [~~(15)~~] Operable controls--A component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, and keypads.

(18) [~~(16)~~] Product--Electronic and information resources [~~technology~~].

(19) [~~(17)~~] Section 508 Standards--The technical standards established by Section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. § 794d [~~§794(d)~~], 36 C.F.R. § 1194.1 [~~§1194.1~~], established by the federal Architectural and Transportation Barriers Compliance Board (the "Access Board") that apply to EIR [~~electronic and information technology~~] developed, procured, maintained, or used by the federal government, including computer hardware and software, websites, phone systems, and copiers. The Section 508 standards were issued to implement Section 508 of the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. §794(d) [~~794(d))~~], which requires access for both members of the public and federal employees to such technologies when developed, procured, maintained, or used by federal agencies.

(20) [~~(18)~~] Self Contained, Closed Products--Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar products.

(21) [~~(19)~~] Technical Accessibility Standards and Specifications--Accessibility standards and specifications for Texas agency and institution of higher education websites and EIR set forth in Chapter 206 and/or Chapter 213 of this title.

(22) [~~(20)~~] Telecommunications--As defined by Texas Government Code §2054.003(14). [~~The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.~~]

(23) [~~(21)~~] Training/Technical Assistance--Training and technical assistance to comply with the accessibility standards.

(24) [~~(22)~~] Voluntary Product Accessibility Template (VPAT)--A vendor-supplied industry template form [~~for a commercial off-the-shelf Electronic and Information Resource~~] used to document EIR [~~its~~] compliance with technical accessibility standards and success criteria [~~specifications~~]. A link to the standardized VPAT form is available at the department's website.

(25) [~~(23)~~] Worldwide Web Consortium Web Content Accessibility Guidelines [~~2.0~~]--Internationally recognized set of technical standards designed to make web content and digital media accessible to people with disabilities. [~~a referenceable, international technical standard containing 12 guidelines that are organized under 4 principles: perceivable, operable, understandable, and robust. For each guideline, there are testable success criteria, which are at three levels: A, AA, and AAA. Also known as ISO/IEC International Standard ISO/IEC 40500:2012.~~]

(26) [~~(24)~~] The terms referenced by Section 508 Appendices A and C and the DOJ Title II Rule shall have the meaning stated therein.

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 February 26, 2026.

TRD-202600999
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

1 TAC §213.4

The new rule is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.4. Department Responsibilities.

(a) The department shall establish and maintain a list of EIR that the department has determined are exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.

(1) The department will post the list of exempt EIR under the Accessibility section of its website.

(2) The department will provide the below information for each exemption listed:

(A) a date of expiration or duration of the exemption;

(B) a plan for alternate means of access for persons with disabilities;

(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(D) written approval of the department's executive director.

(3) The department shall establish and publish a policy under the Accessibility section of its website that defines the procedures and standards used to determine which EIR are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.

(b) In establishing information technology commodity procurement contracts pursuant to its authority under Texas Government Code § 2157.068, the department shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:

(1) inclusion of or URLs to manufacturer's completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses; or

(2) other documents/forms requested by the department in its information technology commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's experiences and practices related to developing accessible EIR, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.

(c) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code § 2054.452.

(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.

(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.

(d) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapters 206 and 213 of this title, pursuant to Texas Government Code §§ 2054.464 and 2054.651.

(e) The department shall designate and maintain a person responsible for statewide digital accessibility initiatives, including sharing information with other state agencies regarding EIR accessibility requirements under Chapters 206 and 213 of this title and other regulatory standards.

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 February 26, 2026.

TRD-202601000

Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

SUBCHAPTER B. ACCESSIBILITY STANDARDS FOR STATE AGENCIES

1 TAC §§213.10 - 213.13, 213.15 - 213.22

The amendments and new rule are proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.10. [~~Software~~] Applications and Operating Systems.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all [~~software~~] applications and operating systems EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter.

(b) Each state agency shall comply with:

(1) the DOJ Title II Rule for web content and mobile applications subject to the DOJ Title II Rule; and

(2) the following standards referenced in Section 508 Appendix C for all other applications and operating systems:

(A) [~~(1)~~] Chapter 7, §702.10 [~~(~~]WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media[~~)~~];

(B) [~~(2)~~] Chapter 5, §502 Interoperability with Assistive Technology;

(C) [~~(3)~~] Chapter 5, §503 Applications; and

(D) [~~(4)~~] Chapter 5, §504 Authoring Tools.

§213.11. Telecommunications Products.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, when purchasing telecommunication equipment or services, a state agency shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. § 255 [~~§255~~] and 36 C.F.R. § 1194.2 [~~§1194.2~~], Appendix B[.], when such products are readily available or compliance is achievable.

§213.12. Video and Multimedia.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 Texas Administrative Code § 213.17, all video and multimedia EIR developed, procured, or changed by a

state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the applicable standards referenced in the DOJ Title II Rule [~~Section 508 Appendix C~~].

(b) Based on a request for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551) or training and informational video productions that [~~which~~] support the agency's mission, each state agency that receives such request shall provide [~~consider~~] captioning and alternative forms of accommodation for videos posted on state websites.

§213.13. Hardware.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR hardware [~~EIR~~] developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the following standards/specifications referenced in Section 508 Appendix C:

(1) Chapter 4, § 401 General;

(2) Chapter 4, § 402 Closed Functionality;

(3) Chapter 4, § 403 Biometrics;

(4) Chapter 4, § 404 Preservation of Information Provided for Accessibility;

(5) Chapter 4, § 405 Privacy;

(6) Chapter 4, § 406 Standard Connections;

(7) Chapter 4, § 407 Operable Parts;

(8) Chapter 4, § 408 Display Screens;

(9) Chapter 4, § 409 Status Indicators;

(10) Chapter 4, § 410 Color Coding;

(11) Chapter 4, § 411 Audible Signals;

(12) Chapter 4, § 412 ICT with Two-Way Communication;

(13) Chapter 4, § 413 Closed Caption Processing Technologies;

(14) Chapter 4, § 414 Audio Description Processing Technologies; and

(15) Chapter 4, § 415 User Controls for Captions and Audio Descriptions.

(b) When EIR hardware is located in maintenance or monitoring spaces[~~,~~] and where status indicators and operable parts are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to § 213.13 of this chapter.

§213.15. Functional Performance Criteria.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. To the extent that an EIR does not comply with the requirements of 1 Texas Administrative Code §§ 213.10 - 213.13 that are applicable to that EIR, the noncompliant features of that EIR shall conform to the standards referenced in the DOJ Title II Rule or Section 508 Appendix C, Chapter 3, § 302 Functional Performance Criteria , as applicable.

§213.16. Support Documentation and Services.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all documentation and services that support the use of EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the DOJ Title II Rule and the following standards referenced in Section 508 Appendix C, Chapter 6:

(1) Chapter 6, § 602 Support Documentation; and

(2) Chapter 6, § 603 Support.

§213.17. Compliance Exceptions and Exemptions.

All [~~Effective April 18, 2020, all~~] EIR developed, procured, or changed by a state agency shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of this title, unless the agency head approves an exception subject to this chapter or, as applicable, the DOJ Title II Rule [~~is approved by the agency head~~] or the department grants an exemption [~~is granted by the department~~].

(1) Legacy EIR. Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213 of this title[~~,~~] and the user interface has not been altered [~~on or after April 18, 2020,~~] shall not be required to be modified to conform to this revised rule unless the EIR is required to comply with the DOJ Title II Rule.

(2) In its accessibility policy, an agency shall include standards and processes for handling exception requests for all EIR, including those subject to exceptions for a significant barrier [~~difficulty~~] or expense contained in Texas Government Code § 2054.460.

(3) The agency head must approve in writing exceptions [~~Exceptions~~] for a material difficulty or expense pertaining to significant barriers to users under Texas Government Code § 2054.460 [~~must be approved in writing by the agency head~~] for EIR that does not comply with the standards and specifications described in Chapter 206 and/or Chapter 213 of this title, pursuant to Texas Government Code § 2054.460:

(A) prior to the procurement, completion, use, or deployment; or

(B) [~~or~~] at the point the barrier is identified if the vendor is unable to immediately remedy the failure to comply with Chapter 206 and/or Chapter 213 of this title.

(4) An approved exception for a significant barrier [~~difficulty~~] or expense under Texas Government Code § 2054.460 shall include the following:

(A) List of compliance issues posing a risk to the agency with anticipated impact of each issue;

(B) [~~(A)~~] a date of expiration or duration of the exception;

(C) [~~(B)~~] a plan for alternate means of access for persons with disabilities;

(D) [~~(C)~~] justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(E) [~~(D)~~] documentation of how the agency considered alternative solutions and all agency resources available to the program or program component for which the product is being developed, procured, maintained, or used. Examples may include, but are not limited to, agency budget, grants, and alternative vendor or product selections.

(5) Agencies shall maintain records of approved exceptions in accordance with the agency's records retention schedule.

[(6) The department shall establish and maintain a list of electronic and information technology resources which are determined to be exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.]

[(7) The list of exempt EIR will be posted under the Accessibility section of the department's website.]

[(8) The following information shall be provided for each exemption listed:]

[(A) a date of expiration or duration of the exemption;]

[(B) a plan for alternate means of access for persons with disabilities;]

[(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and]

[(D) written approval of the department's executive director.]

[(9) The department shall establish and publish a policy under the Accessibility section of its website which defines the procedures and standards used to determine which electronic or information resources are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.]

§213.18. Procurements.

[(a) The department, in establishing commodity procurement contracts, for which the solicitation is issued on or after April 18, 2020, shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:]

[(1) inclusion of or URLs to manufacturer pages of completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses;]

[(2) other documents/forms requested by the department in commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or]

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;]

(a)[(b)] For the procurement of EIR made directly by an agency or through the department's information technology commodity procurement contracts entered pursuant to Texas Government Code § 2157.068, [for which the solicitation is issued on or after April 18, 2020], the agency shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

(1) inclusion of URLs to manufacturer's [manufacturer pages of completed] VPATS or ACRs [accessibility conformance reports] for applicable Commercial Off the Shelf products or services;

(2) other documents/forms requested by the agency that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;]

(3) [(4)] If credible accessibility documentation cannot be provided, then the EIR shall be considered noncompliant.

(b) [(c)] An agency shall implement a procurement accessibility policy, and supporting business processes and contract terms[,] for making procurement decisions. An agency shall monitor the procurement processes and contracts for accessibility compliance.

(c) [(d)] This subchapter applies to EIR developed, procured, or materially changed by an agency, or developed, procured, or materially changed by a contractor under a contract with an agency, which requires the use of such product to a significant extent [,or requires the use, to a significant extent, of such product] in the performance of a service or the furnishing of a product.

(d) [(e)] Unless an exception is approved by the agency head pursuant to Texas Government Code § 2054.460 and [1 Texas Administrative Code] § 213.17 of this subchapter or unless an exemption is approved by the department[,] pursuant to Texas Government Code § 2054.460[,] and 1 Texas Administrative Code § 213.17, all EIR products developed, procured, or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable.

[(f) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.]

(e) [(g)] A state agency must include accessibility [Accessibility] testing, planning, and execution criteria [shall be documented] for EIR development and implementation projects. [the project and accessibility testing shall be performed by a third-party testing resource or knowledgeable state agency staff member to validate compliance with 1 Texas Administrative Code §206.50 and this chapter for any EIR project whose developments costs exceed $500,000 and that:]

(f) Accessibility testing must be performed by a third-party testing resource or knowledgeable state agency staff member to validate compliance with 1 Texas Administrative Code § 206.50 and this chapter for any EIR development project whose costs exceed $500,000 and that:

(1) requires one year or longer to reach operations status;

(2) involves more than one state agency or institution of higher education; or

(3) substantially alters work methods of agency personnel or the delivery of services to clients.

(g) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.

§213.19. State Agency Accessibility Administration, Training, Technical Assistance, and Job Descriptions.

[(a) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.452.]

[(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.]

[(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.]

(a) [(b)] The executive director of each agency shall ensure appropriate staff receive [receives] training necessary to comply with Chapters 206 and 213 of this title [meet accessibility-related rules].

(b) [(c)] Each state agency shall consider including accessibility criteria, such as compliance with Chapters 206 and 213 of this title and other regulatory requirements, in job descriptions where the position is responsible for EIR subject to this chapter [accessibility matters].

(c) A state agency shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals.

§213.20. Accessibility Survey and Reporting Requirements.

[(a) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.464.]

(a) [(b)] Each state agency shall [be required to] complete the accessibility survey the department distributes pursuant to Texas Government Code § 2054.464 and § 213.4(d) of this chapter within the prescribed deadlines [deadline] established by the department.

(b) A state agency shall support its survey [Survey] responses with [shall be supported by] agency documentation.

§213.21. Digital Accessibility Officer [EIR Accessibility Policy and Coordinator].

[(a) The department shall designate and maintain a person responsible for statewide accessibility initiatives.]

(a) [(b)] Pursuant to 1 Texas Administrative Code § 206.54, each state agency shall publish to its website a current accessibility policy, which must reflect at a minimum: [includes the standards and specifications of this chapter.]

(1) Confirmation of the agency's compliance with the standards and specifications of this chapter; and

(2) An agency-approved plan by which the state agency will bring EIR into and maintain compliance with the Technical Accessibility Standards and Specifications of this chapter, which must include a process for corrective actions to remediate non-compliant items.

[(c) Each state agency's accessibility policy shall require an agency-approved plan by which EIR will be brought into and maintained in compliance with the Technical Accessibility Standards and Specifications of this chapter. The plan will include a process for corrective actions to remediate non-compliant items.]

(b) [(d)] The agency head or information resources manager shall designate a Digital Accessibility Officer, [an EIR Accessibility Coordinator] who must [shall] be organizationally placed to oversee [facilitate] agency-wide progress in EIR Accessibility compliance with Chapters 206 and 213 of this title and digital accessibility best practices in support of their internal accessibility policies and initiatives. [policy. The state agency's designation must contain the individual's name and other information in the format prescribed by the department.]

(1) In filling this role, the state agency may employ an individual solely for this purpose or may add this responsibility to a current employee's existing job duties.

(2) A state agency must inform DIR of their designation of a Digital Accessibility Officer, which must include the individual's name, contact information, and other information in the format prescribed by the department.

(3) [(e)] A state agency shall inform the department within 30 days whenever the agency Digital Accessibility Officer [EIR Accessibility Coordinator] position is vacant[,] or when the agency has designated a new Digital Accessibility Officer [new/replacement EIR Accessibility Coordinator is designated].

[(f) An agency shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals.]

§213.22. Applicable Standards.

State agencies shall comply with the minimum expected standards established by this chapter and federal law. To the extent that there is a discrepancy between discrete federal standards, state agencies shall adopt the higher of the two standards.

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 February 26, 2026.

TRD-202601001
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

1 TAC §213.22

The repeal is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.22. Holdover.

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 February 26, 2026.

TRD-202601002
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

SUBCHAPTER C. ACCESSIBILITY STANDARDS FOR INSTITUTIONS OF HIGHER EDUCATION

1 TAC §§213.30 - 213.33, 213.35 - 213.42

The amendments and new rule are proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.30. [~~Software~~] Applications and Operating Systems.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17 of this chapter, all [~~software~~] applications and operating systems EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter.

(b) Each state agency shall comply with:

(1) the DOJ Title II Rule for web content and mobile applications subject to the DOJ Title II Rule; and

(2) the following standards referenced in Section 508 Appendix C for all other applications and operating systems:

(A) [~~(1)~~] Chapter 7, § 702.10 [~~(~~]WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media[~~)~~];

(B) [~~(2)~~] Chapter 5, § 502 Interoperability with Assistive Technology;

(C) [~~(3)~~] Chapter 5, § 503 Applications; and

(D) [~~(4)~~] Chapter 5, § 504 Authoring Tools.

§213.31. Telecommunications Products.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.37 of this chapter, when purchasing telecommunication equipment or services, an institution of higher education shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. § 255 [~~§255~~] and 36 C.F.R. § 1194.2 [~~§1194.2~~], Appendix B[~~.~~], when such products are readily available or compliance is achievable.

§213.32. Video and Multimedia.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17, of this chapter all video and multimedia EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the applicable standards referenced in the DOJ Title II Rule [~~Section 508 Appendix C~~].

(b) Based on a request for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551) or training and informational video productions that [~~which~~] support the agency's mission, each institution of higher education that receives such request shall provide [~~consider~~] captioning and alternative forms of accommodation for videos posted on state websites.

§213.33. Hardware.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR hardware [~~EIR~~] developed, procured, or changed by an institution of higher education shall comply with the following standards referenced in US Section 508 Appendix C Chapter 4:

(1) Chapter 4, § 401 General;

(2) Chapter 4, § 402 Closed Functionality;

(3) Chapter 4, § 403 Biometrics;

(4) Chapter 4, § 404 Preservation of Information Provided for Accessibility;

(5) Chapter 4, § 405 Privacy;

(6) Chapter 4, § 406 Standard Connections;

(7) Chapter 4, § 407 Operable Parts;

(8) Chapter 4, § 408 Display Screens;

(9) Chapter 4, § 409 Status Indicators;

(10) Chapter 4, § 410 Color Coding;

(11) Chapter 4, § 411 Audible Signals;

(12) Chapter 4, § 412 ICT with Two-Way Communication;

(13) Chapter 4, § 413 Closed Caption Processing Technologies;

(14) Chapter 4, § 414 Audio Description Processing Technologies; and

(15) Chapter 4, § 415 User Controls for Captions and Audio Descriptions.

(b) When EIR hardware is located in maintenance or monitoring spaces[~~,~~] and where status indicators and operable parts are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to §213.13 of this chapter.

§213.35. Functional Performance Criteria.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17 of this chapter, all EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter. To the extent that an EIR does not comply with the requirements of 1 Texas Administrative Code §§213.10 - 213.13 that are applicable to that EIR, the noncompliant features of that EIR shall conform to the standards referenced in the DOJ Title II Rule or Section 508 Appendix C, Chapter 3, § 302 [~~§302~~] as applicable [~~Functional Performance Criteria~~].

§233.36. Support Documentation and Services.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to §213.17 of this chapter, all documentation and services that support the use of

EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter. Each institution of higher education shall comply with the DOJ Title II Rule and the following standards referenced in Section 508 Appendix C, Chapter 6:

(1) Chapter 6, § 602 Support Documentation; and

(2) Chapter 6, § 603 Support.

§213.37. Compliance Exceptions and Exemptions.

All [~~Effective April 18, 2020, all~~] EIR developed, procured, or changed by an institution of higher education shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of this title, unless the president or chancellor of an institution of higher education approves an exception subject to this chapter or, as applicable, the DOJ Title II Rule [~~is approved by the president or chancellor of an institution of higher education~~] or the department grants an exception [~~is granted by the department~~].

(1) Legacy EIR. Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213 of this title[~~,~~] and the user interface has not been altered [~~on or after April 18, 2020,~~] shall not be required to be modified to conform to this revised rule unless the EIR is required to comply with the DOJ Title II Rule.

(2) In its accessibility policy, an institution of higher education shall include standards and processes for handling exception requests for all EIR, including those subject to exceptions for a significant barrier [~~difficulty~~] or expense contained in Texas Government Code § 2054.460 [~~§2054.460~~].

(3) The president or chancellor of an institution of higher education must approve in writing exceptions [~~Exceptions~~] for a material difficulty or expense pertaining to significant barriers to users under Texas Government Code § 2054.460 [~~§2054.460 must be approved in writing by the president or chancellor of an institution of higher education~~] for EIR that does not comply with the standards and specifications described in Chapter 206 and/or Chapter 213 of this title, pursuant to Texas Government Code § 2054.460 [~~§2054.460~~]:

(A) prior to the procurement, completion, use, or deployment; or

(B) at the point the barrier is identified if the vendor is unable to immediately remedy the failure to comply with Chapter 206 and/or Chapter 213 of this title.

(4) An approved exception for a significant barrier [~~difficulty~~] or expense under Texas Government Code § 2054.460 [~~§2054.460~~ shall include the following:

(A) List of compliance issues posing a risk to the institution of higher education with anticipated impact of each issue;

(B) [~~(A)~~] a date of expiration or duration of the exception;

(C) [~~(B)~~] a plan for alternate means of access for persons with disabilities;

(D) [~~(C)~~] justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(E) [~~(D)~~] documentation of how the institution of higher education considered alternative solutions and all institution resources available to the program or program component for which the product is being developed, procured, maintained, or used. Examples may include, but are not limited to, institution budget, grants, and alternative vendor or product selections.

(5) Institutions of higher education shall maintain records of approved exceptions in accordance with that institution of higher education's records retention schedule.

[~~(6) The department shall establish and maintain a list of electronic and information technology resources which are determined to be exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.~~]

[~~(7) The list of exempt EIR will be posted under the Accessibility section of the department's website.~~]

[~~(8) The following information shall be provided for each exemption listed:~~]

[~~(A) a date of expiration or duration of the exemption;~~]

[~~(B) a plan for alternate means of access for persons with disabilities;~~]

[~~(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and~~]

[~~(D) written approval of the department's executive director.~~]

[~~(9) The department shall establish and publish a policy under the Accessibility section of its website which defines the procedures and standards used to determine which electronic or information resources are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.~~]

§213.38. Procurements.

[~~(a) The department, in establishing commodity procurement contracts, for which the solicitation is issued on or after April 18, 2020, shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:~~]

[~~(1) inclusion of or URLs to manufacturer pages of completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses;~~]

[~~(2) other documents/forms requested by the department in commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or~~]

[~~(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;~~]

(a) [~~(b)~~] For the procurement of EIR made directly by an institution of higher education or through the department's information technology commodity procurement contracts entered pursuant to Texas Government Code § 2157.068, [~~for which the solicitation is issued on or after April 18, 2020~~], the institution shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

(1) inclusion of URLs to manufacturer's [~~manufacturer pages of completed~~] VPATS or ACRs [~~accessibility conformance reports~~] for applicable Commercial Off the Shelf products or services;

(2) other documents / forms requested by the institution that provide credible evidence of the vendor's capability or ability to

produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract; or]

(3) [(4)] If credible accessibility documentation cannot be provided, then the EIR shall be considered noncompliant.

(b) [(c)] An institution of higher education shall implement a procurement accessibility policy, and supporting business processes and contract terms[,] for making procurement decisions. The institution of higher education shall monitor the procurement processes and contracts for accessibility compliance.

(c) [(d)] This subchapter applies to EIR developed, procured, or materially changed by an institution of higher education, or developed, procured, or materially changed by a contractor under a contract with an institution of higher education, which requires the use of such product[, or requires the use, to a significant extent, of such product] to a significant extent in the performance of a service or the furnishing of a product.

(d) [(e)] Unless an exception is approved by the president or chancellor of an institution of higher education pursuant to Texas Government Code § 2054.460 [§2054.460] and [1 Texas Administrative Code] §213.17 of this subchapter, all EIR products developed, procured or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable.

[(f) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.]

(e) An institution of higher education must include accessibility testing, planning, and execution criteria for EIR development and implementation projects.

(f) [(g)] Accessibility testing, planning, and execution criteria must [shall be documented for the project and accessibility testing shall] be performed by a third-party testing resource or knowledgeable institution of higher education staff member to validate compliance with 1 Texas Administrative Code §206.70 and this chapter for any EIR project whose [developments] costs exceed $500,000 and that

(1) requires one year or longer to reach operations status;

(2) involves more than one state agency or institution of higher education; or

(3) substantially alters work methods of agency personnel or the delivery of services to clients.

(g) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.

§213.39. Institution of Higher Education Accessibility Administration, Training, Technical Assistance, and Job Descriptions.

[(a) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.452.]

[(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.]

[(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.]

(a) [(b)] The president or chancellor of each institution of higher education shall ensure appropriate staff receive [receives] training necessary to comply with Chapters 206 and 213 of this title [meet accessibility-related rules].

(b) [(c)] Each institution of higher education shall consider including accessibility criteria in job descriptions, such as compliance with Chapters 206 and 213 of this title and other regulatory requirements, where the position is responsible for EIR subject to this chapter [accessibility is applicable to that position].

§213.40. Accessibility Survey and Reporting Requirements.

[(a) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.464.]

(a) [(b)] Each institution of higher education shall be required to complete the accessibility survey the department distributes pursuant to Texas Government Code § 2054.464 and §213.4(d) of this chapter within the prescribed deadlines [deadline] established by the department.

(b) Each institution of higher education shall support their survey [Survey] responses with [shall be supported by] institutional [institution of higher education] documentation.

§213.41. Digital Accessibility Officer [EIR Accessibility Policy and Coordinator].

[(a) The department shall designate and maintain a person responsible for statewide accessibility initiatives.]

(a) [(b)] Pursuant to 1 Texas Administrative Code §206.74, each institution of higher education shall publish to its website a current accessibility policy, which must reflect at a minimum: [includes the standards and specifications of this chapter.]

(1) Confirmation of the institution's compliance with the standards and specifications of this chapter; and

(2) An institution-approved plan by which the institution will bring EIR into and maintain compliance with the Technical Accessibility Standards and Specifications of this chapter, which must include a process for corrective actions to remediate non-compliant items.

[(c) Each institution of higher education's accessibility policy shall require an institutionally-approved plan by which EIR will be brought into and maintained in compliance with the Technical Accessibility Standards and Specifications of this chapter. The plan will include a process for corrective actions to remediate non-compliant items.]

(b) [(d)] The president or chancellor of an [head of each] institution of higher education or information resources manager shall designate a Digital Accessibility Officer [an EIR Accessibility Coordinator] who [must] be organizationally placed to oversee institution-wide EIR accessibility compliance and digital accessibility best practices in support of [in support of] their internal accessibility policies and initiatives. [policy. The institution's designation must contain the individual's name and other information in the format prescribed by the department.]

(1) In filling this role, the institution of higher education may employ an individual solely for this purpose or may add this responsibility to a current employee's existing job duties.

(2) An institution of higher education must inform DIR of their designation of a Digital Accessibility Officer, which must include the individual's name, contact information, and other information in the format prescribed by the department..

(3) [~~(e)~~] An institution of higher education shall inform the department within 30 days whenever the institution of higher education Digital Accessibility Officer [~~EIR Accessibility Coordinator~~] position is vacant[,] or when the institution of higher education has designated a new Digital Accessibility Officer [~~new/replacement EIR Accessibility Coordinator is designated~~].

[~~(f) An institution of higher education shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals~~].

§213.42. Applicable Standards.

Institutions of higher education shall comply with the minimum expected standards established by this chapter and federal law. To the extent that there is a discrepancy between discrete federal standards, institutions of higher education shall adopt the higher of the two standards.

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 February 26, 2026.

TRD-202601003
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

1 TAC §213.42

The repeal is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.42. Holdover.

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 February 26, 2026.

TRD-202601004
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

♦ ♦ ♦

TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.3

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission proposes amendments to §51.3 regarding Exceptions.

BACKGROUND AND PURPOSE

The Texas Animal Health Commission proposes amendments to §51.3, concerning Exceptions. The purpose of the amendment is to eliminate duplicative regulation and expand the veterinary care permit exception to include cattle, bison, and camelids.

The Commission is tasked with creating and enforcing entry requirements for livestock, fowl, exotic livestock, and exotic fowl. The Commission requires all animals entering Texas to be accompanied by a certificate of veterinary inspection (CVI) unless specific exceptions apply. One such exception is the veterinary care exception found in §51.3(b)(1). This exception currently allows equine to enter Texas without a CVI if traveling directly to a veterinary clinic for treatment with a permit issued by the Commission. Equine must be returned immediately to their state of origin via the most direct route following treatment.

The Commission proposes expanding this veterinary care exception to include cattle, bison, and camelids. During road-side inspections, Commission staff stop ranchers from neighboring states crossing into Texas for routine preventative procedures like dehorning and castration. These entries are not permitted and result in compliance actions and ultimately represent gaps in TAHC's disease tracing efforts. The proposed amendments would allow and encourage expanded access to skilled Texas veterinarians while maintaining disease traceability.

Additionally, the proposed amendments eliminate language that allows equine entering for sale at a livestock market to first be consigned to a veterinary clinic for issuance of a CVI. This exception is duplicative of an exception found in §51.13(a)(5) which allows equine entering for sale at a livestock market to first move directly to an EIA approved lab/vet clinic for testing and CVI. Both exceptions require a permit prior to entry. And presently, §51.13 is the exception used by Commission staff rather than the exception found in §51.3. This proposed amendment tidies Commission rules without changing procedure for staff or eliminating an existing exception for the public.

SECTION-BY-SECTION DISCUSSION

Section 51.3 includes exceptions to the Commission's entry requirements. The proposed amendments expand the veterinary care exception for CVIs from equine-only to equine, cattle, bison, and camelids. The amendments also eliminate a duplicative CVI

exception for equine entering for sale at a livestock market which may be consigned directly to a veterinary clinic for issuance of a CVI.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the rule is in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources. Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rule is in effect, the anticipated public benefits are expanded access to Texas veterinary services while maintaining disease traceability.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission 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. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will expand existing regulatory exceptions, thus limiting existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 51 do not impose additional costs on regulated persons and are designed to expand the CVI exception for veterinary care and eliminate duplicative regulations. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 51, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the

movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.114, entitled "Inspection of Livestock", an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

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

§51.3. Exceptions.

(a) (No change.)

(b) Exceptions for a certificate of veterinary inspection.

(1) Equine, cattle, bison, and camelids, may enter Texas when consigned directly to a veterinary hospital or clinic for treatment or for usual veterinary procedures when accompanied by a permit number issued by the commission. Following release by the veterinarian, animals [~~equine~~] must be returned immediately to the state of origin by the most direct route. [~~Equine entering Texas for sale at a livestock market, may first be consigned directly to a veterinary hospital or clinic for issuance of the certificate of veterinary inspection, when accompanied by a prior entry permit issued by the commission.~~]

(2) Dairy cattle 10 days of age or less are exempt from the certificate of veterinary inspection requirement if the following are met:

(A) the out-of-state premises of origin and the Texas premises of destination execute a Modified Movement Agreement with the Executive Director and the out-of-state animal health official; and

(B) the cattle are moved directly from the out-of-state premises of origin to the Texas premises of destination in compliance with the Modified Movement Agreement. The Modified Movement Agreement includes identification, recordkeeping, reporting, inspection, testing and other requirements as epidemiologically determined by the Executive Director.

(c) (No change.)

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

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

TRD-202601036
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 839-0511

♦ ♦ ♦

TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 22. CEMETERIES

13 TAC §§22.1 - 22.4, 22.6

The Texas Historical Commission (hereafter referred to as the Commission) proposed amendments to §§22.1 - 22.4 and 22.6 of Title 13, Part 2, Chapter 13 of the Texas Administrative Code (relating to Cemeteries). These changes are needed to update definitions, remove definitions not used in Chapter 22, and clarify language as needed in §22.1; remove unnecessary language and make corrections to §22.2; clarify and specify Commission's role in abatement of a cemetery as a nuisance and options in such cases in §22.3; correct cross-references to the Health and Safety Code and add more accurate and specific language to §22.4; and update procedures for Historic Texas Cemetery (HTC) designations and add procedures to §22.6 for the new Historic Texas Freedmen's Cemetery (HTFC) designation, which was added to Chapter 442 of the Government Code by adoption of Senate Bill 217 by the 89th Texas Legislature.

FISCAL NOTE. Joseph Bell, Executive Director, has determined that for the first five-year period the amended rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these rules.

PUBLIC BENEFIT. Mr. Bell has also determined that for the first five-year period the amended rule is in effect, the public benefit will be more accurate and clearer definitions for Chapter 22, and greater clarity regarding the Commission's authority of cemeteries; the Commission's role in abatement of a cemetery as a nuisance and options in such cases; regarding unknown, abandoned, and unverified cemeteries; *insert*; and regarding procedures for Historic Texas Cemeteries and adopted procedures for Historic Texas Freedmen's Cemeteries.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Bell has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing these rules. Accordingly, no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with the amendments to these rules, as proposed. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code § 2001.022 and 2001.024(a)(6).

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the pro-

posed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed amendments will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that no private real property interests are affected by this proposal and 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 proposal and as to whether the reasons for initially adopting these rules continue to exist may be submitted to Joseph Bell, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. These amendments are proposed under the authority of Texas Government Code §442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission, and Texas Government Code §442.302(h), which requires the Commission to establish a Historic Texas Freedmen's Designation Program.

CROSS REFERENCE TO OTHER LAW. No other statutes, articles, or codes are affected by these amendments.

§22.1. Definitions.

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

(1) "Abandoned cemetery" means a non-perpetual care cemetery containing one or more graves and possessing cemetery elements for which no cemetery organization exists and which is not otherwise maintained by any caretakers. It may or may not be recorded in deed records of the county in which it lies.

(2) "Antiquities Permit" means a permit issued by the Texas Historical Commission under the jurisdiction of the Antiquities Code of Texas, Natural Resources Code Ch. [~~ch.~~] 191.

[~~(3) "Atlas" means the Texas Historic Sites Atlas which is a cultural resource database that is maintained by the Commission and contains historic properties.~~]

(3) [~~(4)~~] "Burials" and "Burial pits" mean marked and unmarked locales of a human burial or burials [~~set aside for a human burial or burials purposes~~]. Burials and burial pits may contain the remains of one or more individuals located in a common grave in a locale. The site area [~~encompasses the human remains present and also~~] may contain gravestones, markers, containers, coverings, garments, vessels, tools, and other grave objects [~~which may be present~~] or could be evidenced by the presence of depressions, pit feature stains, or other archeological evidence.

(4) [~~(5)~~] "Cemetery" means a place that is used or intended to be used for interment, and includes a graveyard, burial park, unknown cemetery, abandoned cemetery, mausoleum, or any other area containing one or more graves or unidentified graves.

(5) [~~(6)~~] "Commission" means the Texas Historical Commission.

(6) [~~(7)~~] "Declaration of Dedication" means a notarized statement submitted to the appropriate county clerk's office, in which the state verifies and acknowledges that the named cemetery contains human burials at least 50 years old.

[~~(8) "Department" means the Texas Department of State Health Services.~~]

(7) [~~(9)~~] "Disinterment Permit" means a permit issued by the State Registrar of Vital Statistics, Texas Department of State Health Services, that authorizes the exhumation of human remains from a grave location.

(8) [~~(10)~~] "Family cemetery" means a cemetery containing members of a single family or kinship group, usually located on land belonging to the family or occupied by the family when established.

(9) [~~(11)~~] "Funerary objects" means physical objects associated with a burial, such as a casket, whether whole or deteriorated into pieces, personal effects, ceremonial objects, and any other objects interred with human remains.

(10) [~~(12)~~] "Grave" means a space of ground that contains interred human remains or is in a burial park and this is used or intended to be used for interment of human remains in the ground.

(11) [~~(13)~~] "Identified grave" means a grave that is marked with name of the individual interred in the grave or for which there is other evidence of the name of the individual interred in the grave.

(12) [~~(14)~~] "Interment" means the permanent disposition of human remains by entombment, burial, or placement in a niche, but does not include the location of displaced or disarticulated human remains.

(13) [~~(15)~~] "Historic cemetery" means a cemetery with at least one grave that is 50 years old or older.

(14) [~~(16)~~] "Human remains" means the body of a decedent.

(15) [~~(17)~~] "Marked grave" means a grave that has some physical object or objects identifying it as a grave, including a headstone, wooden or metal marker, arrangement of field stones, plantings, or other such indicia, whether or not the individual in the grave is identified.

(16) [~~(18)~~] "Nonperpetual care cemetery" means a cemetery that is not a perpetual care cemetery.

[~~(19) "Perpetual care" or "endowment care" means the maintenance, repair, and care of all places in the cemetery.~~]

(17) [~~(20)~~] "Perpetual care cemetery" [~~or "endowment care cemetery"~~] means a cemetery for the benefit of which a perpetual care trust fund is established as provided by Chapter 712 of the Health and Safety Code.

(18) [~~(21)~~] "Physical anthropologist" means an archeologist certified by the Register of Professional Archeologists (RPA) for the level of required investigation; anyone determined a professional archeologist by the state archeologist, according to the criteria of the RPA; or anyone meeting required qualifications and standards detailed in pertinent state rules (§26.4 of this title) or federal requirements specified in the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61, Appendix A) for archeological investigations [~~individual who has a graduate degree in anthropology or archaeology with a concentration of study in the assessment of human skeletal remains. This person must be qualified~~

to obtain measurements of the skeleton and obtain a biological profile, including sex, age, ancestry, stature, and anomalous pathological and traumatic conditions].

(19) [(22)] "Professional archeologist" means an individual who has a degree in anthropology, archeology, or a closely related field if that degree also included formal training in archeological field methods, research, and site interpretation, and who conducts archeological investigations as a vocation.

(20) "Texas Historic Sites Atlas" means the cultural resource database that is maintained by the Commission and contains historic properties.

(21) [(23)] "Unidentified grave" means a grave that is not marked in a manner that provides the identity of the interment.

(22) [(24)] "Unknown cemetery" means an abandoned cemetery evidenced by the presence of marked or unmarked graves that does not appear on a map or in deed records.

(23) [(25)] "Unverified cemetery" means a location having some evidence of human burial interments, but in which the presence of one or more unmarked graves has not been verified by a person described by §711.0105(a) of the Health and Safety Code of Texas or by the commission.

(24) [(26)] "Verified cemetery" means the location of a human burial interment or interments as verified by the commission.

§22.2. Authority of Commission.

(a) Section 22.3 and §22.6 of this title (relating to Abatement of Cemetery as Nuisance and Historic Texas Cemeteries) withstanding, the [The] authority of the Commission and this chapter apply only to non-perpetual care cemeteries. Its authority includes previously unknown cemeteries, abandoned cemeteries, and unverified cemeteries, and all other graves not located in a perpetual care cemetery.

(b) For information concerning perpetual care cemeteries, members of the public should contact the Texas Department of Banking [Finance Commission or the Texas Funeral Services Commission].

[(c) For information concerning city or county cemeteries, members of the public should contact the appropriate city or county government.]

§22.3. Abatement of Cemetery as Nuisance.

(a) If the Commission receives notice of legal action under Health and Safety Code §711.007 to abate a cemetery as a nuisance, the Commission will commence an investigation to determine whether it should request the Attorney General of Texas to intervene on the Commission's behalf in the legal action.

(b) In its investigation, the Commission will attempt to determine:

(1) whether the cemetery contains marked, unmarked, and/or unverified graves that are more than 50 years old;

(2) whether the cemetery has historical significance to the local area or the State;

(3) whether repair and restoration of the cemetery is physically possible;

(4) whether the cost of repair and restoration of the cemetery is unreasonable;

(5) whether there is a cemetery organization or other party financially responsible for the repair and restoration of the cemetery;

(6) whether the cemetery is used or maintained in violation of Health and Safety Code Chapter 711 or 712;

(7) whether the cemetery is neglected so that it is offensive to the inhabitants of the surrounding section; and

(8) the impact to affected parties of the removal of the graves to a perpetual care cemetery and abatement of the cemetery.

(c) The Commission may present the results of its investigation to the Court whether or not it intervenes in the lawsuit.

(d) If the court determines that the cemetery is a nuisance and must be abated by repair and restoration, all [All] repairs and restoration in a non-perpetual care cemetery should comply with the Standards for Preservation of Historic Cemeteries, published by the Texas Historical Commission.

(e) If the court or governing body of the municipality authorizes abatement of the cemetery nuisance by removal of the cemetery to a perpetual care cemetery, [The extent allowed by the rules of the perpetual care cemetery to which the remains are moved,] the original relationship of the various elements of the cemetery, such as monuments and fencing, should be retained and reinstalled in the perpetual care cemetery to the extent allowed by its rules.

§22.4. Unknown, Abandoned, and Unverified Cemeteries.

(a) Discovery of Unknown or Abandoned Cemeteries. §711.011 [§711.010] of the Health and Safety Code requires that a person who discovers an unknown or abandoned cemetery shall file notice of the discovery of the cemetery with the county clerk of the county in which the cemetery is located and concurrently mail notice to the landowner on record in the county appraisal district not later than the 10th day after the date of the discovery. The notice must contain a legal description of the land on which the unknown or abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered.

(1) The Commission may provide assistance to any party required to file this notice.

(2) The Notice of Existence of Cemetery form available on the Commission's website may be used to file this notice.

(3) The county clerk must provide a copy of the notice to the Commission within 15 days after the filing of the notice with the clerk, by mailing it to the following address: Cemetery Preservation Coordinator, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

(b) If one or more graves are discovered during construction of improvements on a property, construction must stop and may only proceed in a manner that would not further disturb the grave or graves unless the graves are removed in accordance with §711.010 and §711.0105 of the Health and Safety Code.

(c) Agricultural (including ranching), construction, utility lines, industrial, and mining operations may not be conducted in a manner that will disturb a grave, grave marker, burial pit, or cemetery unless the graves and dedication of the cemetery are removed in accordance with §711.010 [§711.035] of the Health and Safety Code.

(d) Discovery of Unverified Cemeteries. Section 711.0111 of the Health and Safety Code of Texas requires that any person that discovers an unverified cemetery shall file a notice and evidence of the discovery with the commission on a form provided by the commission. Section 711.0111 also requires that any person that discovers an unverified cemetery shall concurrently provide a copy of the notice of the filing with the landowner on record in the county appraisal district on whose land the unverified cemetery is located. The commission shall evaluate the notice and the evidence submitted with the notice, and consider the response of the landowner, if any is received not later than the 30th day after notice, and shall determine whether there is sufficient

evidence to support the claim of the existence of a cemetery. If the commission determines that sufficient evidence supports the existence of a cemetery, the commission shall notify the landowner and may file notice of the existence of the cemetery under §711.011 of the Health and Safety Code. If a notice of existence has already been filed under §711.011 and the commission has determined that there is not sufficient evidence of a cemetery the commission shall notify the landowner of its determination, amend the notice to include the commission's determination, and file the amendment with the county clerk to correct the dedication.

(1) The Commission may provide assistance to a person required to file this notice.

(2) The Notice of Unverified Cemetery form, which is available on the Commission's website, shall be used to file this notice.

(3) The Texas Historical Commission, with consent of the landowner, may investigate a suspected but unverified cemetery or may delegate the investigation to a qualified person described by §711.0105(a).

(e) The commission shall use one or more of the following criteria when assessing the verification of the existence of a cemetery:

(1) the location contains interment(s) that is/are confirmed through archival or field assessments or investigations consented by the landowner and performed by a professional archeologist or other individuals as defined by §711.0105(a) of the Health and Safety Code of Texas;

(2) the location contains human burial caskets or other containers or vessels that contain human remains or are contextually known to have been used to inter human remains;

(3) the location contains articulated human remains that were deliberately interred; or

(4) the location contains a burial pit or burial pit features.

§22.6. Historic Texas Cemeteries.

(a) Any cemetery that is deemed worthy of recognition and preservation for its historic associations is eligible for designation as a Historic Texas Cemetery. The purpose of this designation is to alert the public, as well as present and future owners of land adjacent to the cemetery of the existence of the cemetery. Such cemeteries are eligible for this status if established at least 50 years before the date of application. The Commission [~~History Programs Committee~~] may waive the age requirement for cemeteries that are deemed to be exceptionally significant. Designation as a Historic Texas Cemetery does not restrict in any way the private owner's use of the land outside the cemetery boundaries.

(b) Designation applications including additional information as required by the Commission may be further recognized as a Historic Texas Freedmen's Cemetery. To be eligible, applications must meet the eligibility criteria for Historic Texas Cemetery, plus establish that the cemetery is one in which the burials are predominantly African American and associated with a Freedom Colony or other historically African American settlement or institution, and which contains the grave of at least one freed slave. For the purposes of this designation, a freed slave is defined as a person of African descent living in the United States who was freed from the institution of chattel slavery by the Thirteenth Amendment to the U.S. Constitution in 1865 or earlier through manumission, self-purchase, or other means. For those cemeteries designated as a Historic Texas Cemetery prior to the establishment of the Historic Texas Freedmen's Cemetery program, an additional application may be required.

(c) [~~(b)~~] Any individual, organization, or agency may submit an application for designation. The Commission shall notify the owner of the property containing a cemetery, [~~or~~] adjacent landowners having common boundaries with the cemetery, and the cemetery organization (if applicable) about the proposed designation.

(d) [~~(c)~~] Applications for [~~Historic Texas Cemetery~~] designation are available [~~at the Commission or~~] on the Commission's website. Completed applications, along with the processing fee of $25 (twenty-five dollars), shall be sent to the Commission for processing and review. The Commission will notify County Historical Commissions [~~will be notified~~] of applications submitted for cemeteries in their county and will be provided a copy of the application materials. The Commission may request further documentation if necessary. The burden of proof of the existence of an eligible [~~the~~] cemetery is on the applicant. If the application is accepted for designation, the applicant will be sent a Declaration of Dedication to be filed with the appropriate county clerk's office. The applicant must forward to the Commission a copy of the recorded Declaration of Dedication and exhibit(s) which include the filing date and recording data. [~~Applications rejected because of ineligibility may be reviewed by the History Programs Committee upon the request of the applicant.~~] The cemetery will be officially recognized as a Historic Texas Cemetery or a Historic Texas Freedmen's Cemetery once certified by the Commission at a quarterly meeting [~~when the applicant forwards a copy of the recorded Declaration of Dedication and exhibits which include the filing date and recording data~~].

(e) [~~(d)~~] Designation [~~as a Historic Texas Cemetery~~] must be based on complete documentation of the cemetery's eligibility as outlined in the application form available from the Commission. Examples of documentation that may be requested include deed and title, historic map(s), [~~plot records,~~] archival documents, photographs, oral histories, genealogical records, and archeological data.

(f) [~~(e)~~] The [~~Historic Texas Cemetery~~] designation may be removed only by action of the Commission or by an order of the court of proper jurisdiction removing the dedication or permitting the removal of the cemetery and the return of the land to other purposes. A transfer of ownership does not result in a removal of the dedication.

(g) [~~(f)~~] A designated cemetery [~~Historic Texas Cemetery~~] may be further recognized with an Official Historic Texas Cemetery Marker, available for purchase through the Commission. The marker shall be placed in accordance with §21.7 of this title (relating to Application Requirements) and §21.9 of this title (relating to Application Evaluation Procedures).

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 February 27, 2026.

TRD-202601022
Joseph Bell
Executive Director
Texas Historical Commission
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 463-6100

♦ ♦ ♦

TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 71. RESIDENTIAL SOLAR RETAILERS AND SALESPERSONS

The Texas Department of Licensing and Regulation (Department) proposes new rules at 16 Texas Administrative Code (TAC), Chapter 71, Subchapter A, §§71.1, 71.2, 71.3, and 71.4; Subchapter C, §§71.20, 71.21, 71.22, 71.23, 71.24, and 71.25; Subchapter D, §§71.30, 71.31, and 71.32; Subchapter E, §§71.40, 71.41, 71.42 and 71.43; Subchapter F, §§71.50, 71.51, and 71.52, Subchapter G, §71.60; and Subchapter H, §§71.71, 71.72, and 71.73, regarding the Residential Solar Retailers and Salespersons program. These proposed changes are referred to as the "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The proposed rules implement Senate Bill (SB) 1036, 89th Legislature, Regular Session (2025), which enacted Texas Occupations Code, Chapter 1806, the Residential Solar Retailer Regulatory Act (the Act). SB 1036 provides the Department with regulatory authority over residential solar transactions and requires salespersons and the companies that oversee them, known as solar retailers, to obtain registrations. SB 1036 went into effect on September 1, 2025. Under the transition language of SB 1036, certain provisions went into effect on the bill's effective date, while registration requirements and certain enforcement provisions begin on September 1, 2026. SB 1036 also directed the Department to form and consult a stakeholder workgroup for the development of rules implementing that legislation. The proposed rules were developed with the assistance of that workgroup.

The proposed rules define key concepts, clarify the Department's regulatory scope, provide details regarding registration and insurance requirements, state requirements for the form and format of solar contracts, and create a code of conduct for solar retailers and salespersons. Further, the proposed rules set out requirements for solar salespersons and solar retailers to provide consumers with disclosures and educational materials, specify the manner in which solar contracts can be cancelled, and include provisions relating to fees and enforcement provisions.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The proposed new §71.1, Authority, provides citations to the statutory authority for the rule chapter. Subsection (a) clarifies that although Chapters 51 and 1806 of the Texas Occupations serve as the primary authority, specific provisions of the chapter also implement other statutes. Subsection (b) clarifies that in addition to this chapter, the provisions of 16 TAC Chapter 60, Procedural Rules of the Commission and Department, also apply to this program.

The proposed new §71.2, Applicability, specifies the applicability of the rule chapter. Subsection (a) clarifies how the date of a solar contract impacts applicability. Subsection (b) clarifies that the registration provisions of the chapter do not apply until September 1, 2026. Subsection (c) clarifies that the chapter also applies to licensed electrical contractors except where they are specifically exempted by statute or rule.

The proposed new §71.3, Definitions, provides definitions for the chapter. The definitions incorporate by reference certain statutory definitions, supplement these definitions, and provide additional definitions. The proposed rules define the term "lease" broadly to include power purchase agreements, which are separately defined.

The proposed new §71.4, Exemption of Solar Retailers from Continuing Education Requirements, implements Texas Occupations Code §1806.106 and clarifies that any continuing education requirements will be applicable only to solar salespersons and not to solar retailers.

Subchapter C. Registration of Solar Retailers and Salespersons

The proposed new §71.20, Registration Requirements--Retailers, consists of three subsections. Subsection (a) outlines the general requirement for a solar retailer to be registered unless exempt. Subsection (b) establishes eligibility criteria for registration. Subsection (c) establishes the required documents to be submitted, along with the required fee, to obtain a registration.

The proposed new §71.21, Insurance Requirements--Retailers, establishes insurance requirements for solar retailers. Pursuant to this section, solar retailers are required to maintain general liability insurance that covers liability to consumers arising from the acts of the solar retailer and salespersons. The section establishes the minimum coverage amounts and types of eligible insurers. The section also provides that the Department must be named as a certificate holder on the policy and that the solar retailer must notify the Department within ten days of any change in coverage.

The proposed new §71.22, Registration Renewal Requirements--Retailers, establishes that solar retailers must renew their registration annually, provide required documentation, including information about salespersons and proof of insurance, and pay the required fee.

The proposed new §71.23, Registration Requirements--Solar Salespersons, consists of three subsections. Subsection (a) establishes a general requirement for solar salespersons to be registered and to work under a registered solar retailer. Subsection (b) establishes general registration requirements. Subsection (c) establishes required documents to be submitted, along with the required fee, to obtain a registration.

The proposed new §71.24, Registration Renewal Requirements--Solar Salespersons, establishes that solar salespersons must renew their registration annually, provide required documentation, and pay the required fee.

The proposed new §71.25, Duty to Update Registration Information--Solar Retailers and Solar Salespersons, establishes a duty to notify the Department of changes to certain information. Both solar retailers and solar salespersons are required to notify the Department within 30 days of any change to certain contact information. Solar retailers are additionally required to notify the Department of changes related ownership or controlling persons.

Subchapter D. Exemptions

The proposed new §71.30, Exemptions, tracks statutory exemptions under Texas Occupations Code §1806.005 and details systems to which the chapter does not apply.

The proposed new §71.31, Exempt Agreements, clarifies that the chapter does not apply to solar contracts entered into before September 1, 2025, the effective date of SB 1036.

The proposed new §71.32, Exemption of Electrical Contractors and Employees, implements Texas Occupations Code §1806.004, and clarifies when and to what extent the chapter applies to licensed electrical contractors or to employees of the contractors, when those persons engage in conduct that would otherwise require registration as a solar retailer or solar salesperson.

Subchapter E. Requirements of Solar Contracts

The proposed new §71.40, Requirements of Solar Contract--General, consists of two subsections. Subsection (a) establishes standards for the form and format of solar contracts and requires the inclusion of certain substantive provisions to protect consumers. Subsection (b) sets forth when and how the executed contract must be delivered to the consumer.

The proposed new §71.41, Requirements of Contract--Disclosures, establishes requirements regarding the use of a disclosure form designed by the Department. The rule consists of five subsections. Subsection (a) requires the solar salesperson to complete all information on the form, to provide it to the consumer prior to the solar contract being signed, and to provide the form in the consumer's preferred language if the Department makes the form available in that language. Subsection (b) requires the form to be signed by both the consumer and the solar salesperson. Subsection (c) requires the information on the form to be accurate. Subsection (d) provides that the terms stated on the form are considered part of the contract. Subsection (e) specifies when the form must be provided in printed, rather than electronic, form.

The proposed new §71.42, Requirements of Contract--Right to Cancel, implements Texas Occupations Code §1806.156, which gives consumers a right to cancel solar contracts within five business days. The proposed rule establishes certain contract requirements pertaining to the right to cancel, clarifies how cancellation is communicated, and states how timeliness of cancellation is computed.

The proposed new §71.43, Educational Materials, implements Texas Occupations Code §1806.053. The rule clarifies that the Department will publish the required educational brochure on its website and that solar salespersons must provide the brochure to consumer at least 24 hours prior to the execution of a solar contract.

Subchapter F. Code of Conduct; Prohibited Acts

The proposed new §71.50, Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons, consists of eight subsections. Subsection (a) makes the code of conduct for solar salespersons also applicable to solar retailers, and requires solar retailers to comply with the Act, applicable rules, and orders of the Department. Subsection (b) establishes the duties of a solar retailer in supervising salespersons, including remedial measures the solar retailer must take in response to prohibited acts. Subsection (c) specifies a solar retailer's duties regarding the processing of a solar contract cancellation. Subsections (d) and (e) establish record retention and production responsibilities. Subsection (f) establishes responsibilities related to ceasing operations. Subsection (g) establishes duties regarding responses to consumer requests. Subsection (h) requires cooperation with Department investigations.

The proposed new §71.51, Code of Conduct for Solar Salespersons, consists of three subsections. Subsection (a) requires general compliance with the Act, applicable rules, and orders of the Department. Subsection (b) imposes requirements of honesty, integrity, and fair dealing. Subsection (c) requires solar salespersons to provide certain contact and registration information to consumers upon request.

The proposed new §71.52, Prohibited Acts, applies to both solar retailers and solar salespersons. Subsection (a) relates to false and misleading statements. Subsections (b) and (c) relate to specific restricted or prohibited marketing and business practices. Subsection (d) prohibits solar salespersons from operating unless they are associated with a supervising solar retailer. Subsection (e) prohibits solar retailers from failing to comply with the terms of solar contracts.

Subchapter G. Fees

The proposed new §71.60, Fees, establishes fees for the program.

Subchapter H. Enforcement

The proposed §71.71, Enforcement Authority, cites to the statutory enforcement authority.

The proposed §71.72, Administrative Penalties and Sanctions, consists of three subsections. Subsection (a) sets forth in general that a person who violates the Act, this chapter, or related orders, is subject to administrative penalties and sanctions. Subsection (b) clarifies that a person who violates statutes or rules applicable to electricians and electrical contractors may be prosecuted under those provisions in addition to the Act and this chapter. Subsection (c) implements Texas Occupations Code §1806.203 and provides that the Department may consider whether a person harmed by a violation was elderly in determining the amount of an administrative penalty.

The proposed §71.73, Contract Recission and Refunds, implements Texas Occupations Code §1806.207 and contains provisions related to contract recission and refunds being ordered by the Department's executive director or governing commission in response to violations of the Act or rules.

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 is no estimated 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, there will be an increase in revenue to the state of approximately $217,000 as a result of registration-related fees for solar retailers and solar salespersons. It is anticipated that the increase in revenue will offset the costs of program administration.

Mr. Couvillon has also 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 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 has determined that for each year of the first five-year period the proposed rules are in effect, the public will benefit from increased consumer protection and the reduction of predatory business practices.

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 will be additional costs to persons who are required to comply with the proposed rules. Each solar retailer will be required to pay an initial registration fee of $350 and an annual renewal fee of the same amount. Solar retailers will also be required to obtain liability insurance, if they do not already carry such insurance, and make necessary expenditures to revise the form and format of contracts and otherwise conform to the rules. The cost to each solar retailer will vary based on individual circumstances and cannot be estimated. Each solar salesperson will be required to pay a $56 initial registration fee and an annual renewal fee of the same amount.

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 have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government; however, the proposed rules fall under the exception for rules that are necessary to protect the health, safety, and welfare of the residents of this state under §2001.0045(c)(6) and the exception for rules that are necessary to implement legislation under §2001.0045(c)(9). 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 require an increase or decrease in fees paid to the agency. The proposed rules require an increase in fees paid to the agency in the form of newly required registration fees for solar retailers and solar salespersons.

5. The proposed rules create a new regulation. The proposed rules provide for the regulation of solar contracts, solar retailers, and solar salespersons that were previously not regulated by the Department.

6. The proposed rules do not expand, limit, or repeal an existing regulation.

7. The proposed rules 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 by making solar retailers and solar salespersons subject to the rules.

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/gcerules; 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*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §§71.1 - 71.4

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.1. Authority.

(a) These rules are promulgated under the authority of Texas Occupations Code, Chapter 1806, Residential Solar Retailers, and Texas Occupations Code, Chapter 51, Texas Department of Licensing

and Regulation. Specific provisions within this chapter also implement statutory requirements under Chapter 115, Texas Business and Commerce Code, and other applicable statutes.

(b) In addition to this chapter, the rules under 16 Texas Administrative Code (TAC) Chapter 60, Procedural Rules of the Commission and the Department, are applicable to the Residential Solar Retailers program.

§71.2. Applicability.

(a) Unless otherwise stated, this chapter governs non-exempt residential solar retail transactions occurring in this state on or after September 1, 2025.

(b) The provisions of subchapter C apply beginning September 1, 2026, the effective date of §1806.101 and §1806.102 of the Act.

(c) This chapter applies to an electrical contractor licensed under Texas Occupations Code, Chapter 1305, except as exempted by subchapter D of this chapter or §1806.004 of the Act.

§71.3. Definitions.

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

(1) Act--Texas Occupations Code, Chapter 1806, the Residential Solar Retail Regulatory Act.

(2) Business days--means calendar days excluding weekends and legal holidays as defined by Texas Government Code §662.021.

(3) Commission--means the Texas Commission of Licensing and Regulation.

(4) Consumer--means:

(A) an individual who, for primarily personal, family, or household purposes:

(i) Purchases or leases a solar energy system;

(ii) Agrees to the installation of a solar energy system on the consumer's premises; or

(iii) Purchases electricity generated by a solar energy system installed on the individual's premises under a power purchase agreement; or

(B) a person who would constitute a consumer under subparagraph (A) if a solicited or proposed solar contract were executed.

(5) Controlling Person--has the meaning assigned by §1806.003 of the Act.

(6) Department--means the Texas Department of Licensing and Regulation.

(7) DTPA--means the Texas Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Texas Business and Commerce Code.

(8) Electric cooperative--has the meaning assigned by Texas Utilities Code §11.003.

(9) Electrical contractor--means a person licensed as an electrical contractor under Texas Occupations Code, Chapter 1305.

(10) Installer--means a person responsible for the installation of a residential solar energy system.

(11) Lease--with respect to residential solar energy systems, includes any arrangement in which a consumer agrees, for financial consideration, to the installation of a system on the consumer's premises without acquiring ownership of the system. The term includes a power purchase agreement.

(12) Municipally owned utility--has the meaning assigned by Texas Utilities Code §11.003.

(13) Person--includes an individual, corporation, organization, estate, trust, partnership, association, and any other legal entity.

(14) Power purchase agreement--means an agreement between a consumer and a solar retailer for the consumer's purchase of electricity generated by a solar energy system not owned by the consumer, but located on the consumer's premises.

(15) Residential solar energy system--has the meaning assigned by §1806.002 of the Act

(16) Residential solar retail--means:

(A) the sale or lease of, or an offer to sell or lease, a residential solar energy system; or

(B) a transaction involving any combination of the acts described by subparagraph (A).

(17) Solar contract--means an agreement, subject to the Act, for the sale or lease of a residential solar energy system.

(18) Solar energy system--means a system or configuration of solar energy devices that collects and uses solar energy to generate electricity.

(19) Solar retailer--means a person who employs or otherwise contracts for the services of an individual to engage in residential solar retail on the person's behalf.

(20) Solar salesperson--means an individual who engages in residential solar retail for compensation.

§71.4. Exemption of Solar Retailers from Continuing Education Requirements.

In accordance with §1806.106 of the Act, any continuing education requirements of this chapter apply only to the renewal of a solar salesperson registration and are not required for renewal of a solar retailer registration.

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 February 27, 2026.

TRD-202601024
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

SUBCHAPTER C. REGISTRATION OF SOLAR RETAILERS AND SALESPERSONS

16 TAC §§71.20 - 71.25

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas

Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.20. Registration Requirements--Retailers.

(a) Unless registered as a solar retailer or exempt, a person must not employ or otherwise contract for the services of an individual to engage in residential solar retail on the person's behalf.

(b) To be eligible for registration as a solar retailer:

(1) the applicant must meet all applicable registration requirements of the department; and

(2) each controlling person must satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in 16 TAC, Chapter 60, subchapter D.

(c) An applicant for a solar retailer registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire for each controlling person;

(3) the fee required under §71.60;

(4) proof of insurance required under §71.21, which may be in the form of an industry standard certificate of insurance;

(5) a phone number, mailing address, and e-mail address or website address at which consumers may reach the applicant with inquiries; and

(6) the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf, if known.

§71.21. Insurance Requirements--Retailers.

(a) A solar retailer must maintain a general liability insurance policy in an amount not less than $1 million per occurrence and $2 million in the aggregate. The policy must:

(1) be issued by:

(A) an insurance company authorized to do business in Texas;

(B) an eligible Texas surplus lines insurer as defined in the Texas Insurance Code, Chapter 981 (relating to Surplus Lines Insurance);

(C) a Texas registered risk retention group; or

(D) a Texas registered purchasing group;

(2) name the department as a certificate holder; and

(3) cover liability to consumers arising from acts of the solar retailer and all solar salespersons authorized to act on the solar retailer's behalf.

(b) A solar retailer or applicant must notify the department in writing within ten days of any lapse or change in insurance coverage.

§71.22. Registration Renewal Requirements--Retailers.

(a) A solar retailer registration is valid for one year and must be renewed annually.

(b) To renew a registration, a solar retailer must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) an updated list of the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf;

(3) a completed personal information form and criminal history questionnaire for each controlling person;

(4) the fee required under §71.60; and

(5) proof of new or continuing insurance coverage required under §71.21.

§71.23. Registration Requirements--Solar Salespersons.

(a) A person must not engage in residential solar retail unless the person:

(1) is registered as a solar salesperson; and

(2) engages in solar retail on behalf of a registered solar retailer.

(b) To be eligible to register as a solar salesperson, a person must:

(1) be an individual;

(2) satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in Chapter 60, subchapter D; and

(3) meet all applicable registration requirements of the department.

(c) An applicant for a solar salesperson registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

§71.24. Registration Renewal Requirements--Solar Salespersons.

(a) A solar salesperson registration is valid for one year and must be renewed annually.

(b) To renew a registration, a solar salesperson must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

§71.25. Duty to Update Registration Information--Solar Retailers and Solar Salespersons.

(a) After filing an initial application for registration as a solar retailer, a person must report any change in name, address, telephone number, e-mail address, website address, ownership, or controlling persons, to the department within 30 days after the change, in a manner prescribed by the department.

(b) After filing an initial application for registration as a solar salesperson, an individual must report any change in name, address, telephone number, or e-mail address to the department within 30 days after the change, in a manner prescribed by the department.

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 February 27, 2026.

TRD-202601025
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

SUBCHAPTER D. EXEMPTIONS

16 TAC §§71.30 - 71.32

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.30. Exempt Solar Energy Systems.

(a) This chapter does not apply to solar energy systems that:

(1) are for temporary or emergency use;

(2) provide power to a single appliance;

(3) if combined with other systems that produce electricity, produce in combination with the other systems a total peak output power of less than one kilowatt; or

(4) if not combined with other systems that produce electricity, are designed to produce a peak output power of less than one kilowatt.

(b) This chapter does not apply to solar energy systems that are sold or leased:

(1) for commercial purposes, including a solar energy system installed on the premises of a nonresidential property;

(2) to provide power to a multifamily dwelling that exceeds four dwelling units or stories;

(3) before September 1, 2025; or

(4) in connection with new residential construction.

§71.31. Exempt Agreements.

This chapter does not apply to solar contracts entered into before September 1, 2025.

§71.32. Exemption of Electrical Contractors and Employees.

(a) An electrical contractor licensed in this state may act as a solar retailer and is exempt from the registration and insurance requirements of this chapter applicable to solar retailers.

(b) An individual employed by a licensed electrical contractor exempt under subsection (a) to engage in solar retail on behalf of the electrical contractor is exempt from the registration requirements applicable to solar salespersons.

(c) A person exempt from the insurance or registration requirements under this rule remains subject to all other provisions of the Act and this chapter.

(d) Unless the context indicates otherwise, the term "solar retailer" used in this chapter includes a licensed electrical contractor, and the term "solar salesperson" includes an individual who acts in the capacity of a solar salesperson while employed by a licensed electrical contractor.

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 February 27, 2026.

TRD-202601026
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

SUBCHAPTER E. REQUIREMENTS OF SOLAR CONTRACTS

16 TAC §§71.40 - 71.43

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.40. Requirements of Solar Contract--General.

(a) A solar contract must:

(1) be written in English, unless another language is requested by the consumer;

(2) be written in clear, understandable language that is easy to read; and understand;

(3) state the name, business address, registration number, business email address, and business phone number, of both the solar retailer and solar salesperson;

(4) prominently and in plain language set forth any energy production guarantees, the terms conditions of any warranty, and any provisions related to the rights and remedies of any party in the event of a default;

(5) provide that the installer will be a Texas-licensed electrical contractor;

(6) state the name and license number of the installer, or a list of names and license numbers of electrical contractors from which the installer will be selected;

(7) provide that the solar retailer or installer will obtain:

(A) any permit required by a government entity for the installation; and

(B) approval by the electric utility, electric cooperative, or municipally owned utility serving the person's residence of the interconnection of the residential solar energy system, if applicable;

(8) contain and prominently display all contract provisions and disclosures required by the Act and this chapter, including a statement of the consumer's right to cancel the transaction in accordance with §1806.156 of the Act and §71.42 of this chapter; and

(9) If the sale or lease of a residential solar energy system involves a third-party lender that is affiliated with or referred by the solar retailer or solar salesperson, the solar contract must include provisions:

(A) requiring the third-party lender to cancel any accompanying loan made by the third-party lender to the buyer or lessee upon the consumer's cancellation of the solar contract under §1806.156 of the Act; and

(B) requiring the solar retailer to pay the outstanding balance of the loan in the event a cancellation is ordered by the Department or Executive Director after notice and a hearing, in accordance with §1806.207 of the Act.

(b) A solar salesperson must provide a copy of the executed solar contract to the consumer as follows.

(1) Except as provided in paragraph (2), the solar salesperson must provide a printed copy of the solar contract to the consumer at the time the contract is executed.

(2) If the contract is executed electronically, the solar salesperson may provide only an electronic copy of the contract to the consumer at the time of execution, if:

(A) the consumer provides an e-mail address for this purpose;

(B) the solar salesperson verifies that the consumer is able to access the e-mail account and view electronic documents, and;

(C) the consumer, in electronic form, consents to electronic delivery of the contract and waives the right to receive a printed copy of the contract at the time of execution.

(3) An electronic copy of a contract provided pursuant to paragraph (2) must be in portable document (.PDF) format.

(4) If a solar salesperson provides a consumer with a printed copy of the contract at the time of execution, the solar salesperson or solar retailer may also provide the consumer with an electronic courtesy copy and is not required to comply with the provisions of paragraph (2).

(5) A consumer who receives an electronic copy of the contract pursuant to paragraph (2) may later request a printed copy of the contract from the solar retailer. Upon such request, the solar retailer must deliver a printed copy of the contract to the consumer within:

(A) one business day, if the request is made within five business days of the date the contract is executed, or

(B) five business days, if the request is made at any other time.

§71.41. Requirements of Contract--Disclosures.

(a) Before a consumer may sign a solar contract, a solar salesperson must provide the consumer with the department's approved disclosure form, which must contain all required information. The solar salesperson must provide the form in the consumer's preferred language if the department has an approved form written in that language.

(b) The disclosure form must be signed by both the consumer and the solar salesperson before the solar contract may be executed.

(c) The solar salesperson and solar retailer must ensure that the information provided on the disclosure form is true and accurately reflects the terms of the solar contract.

(d) The terms stated on the disclosure form shall be considered part of the solar contract.

(e) A solar salesperson must provide a printed copy of the completed disclosure form to any consumer who is 65 years of age or older at the time of the transaction or who indicates that they are not fluent in the English language. In all other instances, a solar salesperson may provide a consumer with an electronic copy of the disclosure form to the extent permitted for electronic delivery of a solar contract under §71.40.

§71.42. Requirements of Contract--Right to Cancel.

(a) A consumer may cancel a solar contract, without penalty or further obligation, by providing written notice of cancellation to the solar retailer on or before the fifth business day after the date the consumer signs the contract.

(b) A solar contract must contain, in bold, capitalized letters in 14-point font or larger, a plain statement of:

(1) the consumer's right to cancel the contract;

(2) the process for canceling the contract; and

(3) the mailing address or e-mail address to which a notice of cancellation may be sent.

(c) If a solar contract does not contain the address or e-mail address for cancellation required by subsection (b), a consumer may cancel the contract during the period described by subsection (b) by providing written notice of cancellation to the solar retailer by any reasonable method.

(d) If a solar contract provides for cancellation only by mail, a mailed notice of cancellation is effective on the date the notice is placed in the mail. A cancellation notice is rebuttably presumed to have been mailed on the date noted on the form by the consumer.

§71.43. Educational Materials.

(a) The department will develop and maintain on its website an educational brochure with information for consumers concerning solar contracts.

(b) A solar salesperson must provide a consumer with a copy of the department's approved educational brochure at least 24 hours before the consumer may sign a solar contract.

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 February 27, 2026.

TRD-202601027
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

SUBCHAPTER F. CODE OF CONDUCT; PROHIBITED ACTS

16 TAC §§71.50 - 71.52

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.50. Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons.

(a) A solar retailer must comply with all provisions of §71.51, Code of Conduct for Solar Salespersons, all applicable requirements of the Act and this chapter, and all orders of the department or executive director issued in accordance with the Act or this chapter.

(b) A solar retailer must exercise reasonable supervision over all solar salespersons who perform services on the solar retailer's behalf, and must:

(1) Ensure that the form and format of solar contracts prepared by the solar retailer:

(A) comply with the requirements of the Act and this chapter; and

(B) include all required disclosures required by the Act, this chapter, or other law;

(2) Provide adequate training to solar salespersons to inform them of the requirements of the Act and this chapter;

(3) Verify at the time of hire that all solar salespersons requiring a registration under the Act and this chapter are registered with the department; and

(4) Take the following steps, where applicable in response to a violation by a solar salesperson of the Act or rules which becomes known to the solar retailer:

(A) promptly provide a consumer with accurate information to remedy false or misleading information provided by a solar salesperson; and

(B) promptly take corrective action, including at a minimum a written warning, to a solar salesperson in response to any violation, and provide remedial training reasonably necessary to prevent recurrence.

(c) When a consumer timely requests cancellation of a contract in accordance with the Act, a solar retailer must timely process the cancellation, arrange the removal of any installed equipment, and refund any monies advanced by the consumer.

(d) A solar retailer must maintain the following documents for the term of the solar contract, including the term of any warranty provided for in the solar contract, plus a period of five years:

(1) the signed disclosure form;

(2) the executed solar contract; and

(3) any documentation related to the installation of the solar energy system.

(e) A solar retailer must maintain records for each solar salesperson of the date of hire, the date of separation, and any written admonishment for a violation of the Act or this chapter during the salesperson's tenure and for five years after the salesperson's separation from the solar retailer. The solar retailer must produce the records to the department upon request.

(f) Prior to ceasing operations in this state, a solar retailer must designate a record keeper to maintain the records required by this chapter for the required time periods, designate a responsible party to honor any ongoing warranty or other obligations of the solar retailer under the original contract, if applicable, and provide the Department with name and contact information for the record keeper and designated responsible party.

(1) The solar retailer must notify the Department within 30 days of any change in contact information for the designated record keeper or responsible party.

(2) The Department will upon request furnish a member of the public with the record keeper and responsible party contact information provided under this subsection.

(g) Upon a request from a consumer, a solar retailer must:

(1) promptly respond to reasonable inquiries concerning a solar contract, including inquiries regarding the required cancellation procedures, installation, and the performance of other obligations under the contract;

(2) furnish the solar retailer's name and department-issued registration number and that of any solar salesperson who acts under the solar retailer's supervision; and

(3) furnish to the consumer or the consumer's designated representative, a copy of the solar contract.

(h) A solar retailer must cooperate with an investigation by the department by furnishing information or documents for inspection when directed to do so.

§71.51. Code of Conduct for Solar Salespersons.

A solar salesperson must:

(1) comply with all applicable provisions of the Act, this chapter, and any order issued by the department under the Act or this chapter;

(2) conduct business with honesty, integrity, and fair dealing; and

(3) upon request, furnish a consumer with the solar salesperson's name, department-issued registration number, and the name, current contact information, and department-issued registration number of the supervising solar retailer.

§71.52. Prohibited Acts.

(a) A solar retailer or solar salesperson must not orally, electronically, or in writing, make any false or misleading statements to a consumer, and must take reasonable steps to correct a consumer's misunderstanding of matter related to a solar contract if the solar retailer or solar salesperson is aware of the misunderstanding. A statement is misleading if:

(1) the statement, regardless of whether it is false, would lead a reasonable person to a materially incorrect conclusion;

(2) the statement is intended to mislead consumers; or

(3) the statement in isolation would otherwise be misleading as defined in this rule, but for statements of disclaimer, and the disclaimer statements are not prominently displayed.

(b) A solar retailer or solar salesperson must not, while marketing solar contracts:

(1) state or imply that the person is a representative of a utility, electric cooperative, or municipally owned utility;

(2) state that the consumer will be eligible for tax incentives without simultaneously advising the consumer to seek tax advice from a qualified independent professional; or

(3) solicit door-to-door in violation of posted signage indicating that soliciting is prohibited, unless otherwise directed by an occupant of the residence;

(c) A solar retailer or solar salesperson must not:

(1) cause the installation of a residential solar energy system to be performed by a person who is not a licensed electrical contractor;

(2) make a material misrepresentation in an application submitted to the department under this chapter or in any other document submitted to the department under this chapter; or

(3) violate, attempt to violate, or conspire to violate:

(A) the Act or this chapter;

(B) the Deceptive Trade Practices Act;

(C) Texas Business & Commerce Code, Chapter 115; or

(D) the disclosure provisions of the federal Truth in Lending Act (15 U.S.C. Section 1601 et seq.) or Texas Finance Code, Title IV, Subtitle B.

(d) A solar salesperson must not, on or after September 1, 2026, engage in residential solar retail unless the solar salesperson operates under the supervision of a registered solar retailer.

(e) A solar retailer must not fail to comply with the terms of a solar contract.

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 February 27, 2026.

TRD-202601028
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

SUBCHAPTER G. FEES

16 TAC §71.60

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.60. Fees.

(a) Application fees:

(1) Solar Retailer registration--$350;

(2) Solar Salesperson registration--$56;

(b) Renewal fees:

(1) Solar Retailer registration--$350;

(2) Solar Salesperson registration--$56;

(c) Revised or Duplicate Registration--$25; and

(d) Verification of registration to other states--$15.

(e) Late renewals fees for registrations under this chapter are provided under 16 TAC §60.83 (relating to Late Renewal Fees).

(f) All fees are non-refundable, except as otherwise provided by law or commission rule.

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 February 27, 2026.

TRD-202601029

Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

SUBCHAPTER H. ENFORCEMENT

16 TAC §§71.71 - 71.73

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.71. Enforcement Authority.

The enforcement authority granted under the Act and Texas Occupations Code, Chapter 51, and any associated rules may be used to enforce the Act and this chapter.

§71.72. Administrative Penalties and Sanctions.

(a) If a person or entity violates any provision of the Act, any provision of this chapter, or any provision of an order of the executive director or department, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of the Act and Texas Occupations Code, Chapter 51.

(b) If a person or entity, including a licensed electrical contractor, engages in conduct that would subject the actor to disciplinary action both as provided under subsection (a), and under the provisions of Texas Occupations Code, Chapter 1305, or the rules at 16 TAC, Chapter 73 (Electricians), the person or entity is subject to disciplinary action under all applicable provisions.

(c) In accordance with §1806.203 of the Act, in determining the appropriate amount of an administrative penalty, the Department may, in addition to any other factor permitted by law, consider whether any individual over the age of 65 at the time of the prohibited conduct was harmed by the conduct.

§71.73. Contract Rescission and Refunds.

(a) Applicability. This rule takes effect beginning September 1, 2026.

(b) In accordance with §1806.207 of the Act, the commission or executive director may, after notice and a hearing and after finding that a violation of this chapter or a rule adopted under this chapter has occurred, order the cancellation of solar contract and the refund of any amount paid by the consumer under the solar contract.

(c) The amount of a refund ordered under this section may not exceed the amounts paid by the consumer under the solar contract.

(d) A proceeding under this section is a contested case under Texas Government Code, Chapter 2001.

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 February 27, 2026.

TRD-202601030
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4879

♦ ♦ ♦

TITLE 19. EDUCATION

PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 227. PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20, concerning admission to educator preparation programs. The proposed revisions would update current requirements for candidate admission into educator preparation programs (EPPs) to align with proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and 19 TAC Chapter 230, Professional Educator Preparation and Certification. The proposed revisions would implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an EPP and preliminary evaluation of certification eligibility. Requirements in Subchapter A ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

At the September 19 and December 5, 2025 meetings, the SBEC discussed potential updates to Chapter 227 to support the implementation of applicable statutory requirements and align, where appropriate, with proposed revisions to 19 TAC Chapter 228 and Chapter 230. The updates to Chapter 227 discussed included definitions, admission requirements for the Residency route, and contingency and formal admission requirements. In response to subsequent updates in Chapter 228, additional refinements and revisions were proposed related to admissions requirements for other routes and to existing rules for clarity.

The following is a description of the proposed amendments to 19 TAC Chapter 227, Subchapter A. This proposal also includes technical edits to conform to Texas Register style requirements.

Subchapter A, Admission to Educator Preparation Programs

§227.5. Definitions

The proposed amendment to §227.5 would include the addition of definitions for Classroom Teacher, Late Hire, Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP) Program, PREP Alternative Preservice Program, PREP Residency Preservice Program, PREP Traditional Preservice Program, School Year, and Teacher of Record to align with requirements established by HB 2. Numbering of definitions was adjusted to accommodate the proposed new definitions.

The proposed amendment to §227.5(1), Accredited Institution of Higher Education, would increase clarity and consistency.

The proposed amendment to §227.5(2), Alternative Certification Route, would clarify and align the definition with requirements established by HB 2.

The proposed amendment to §227.5(6), Certification Class, would clarify the certification classes offered by EPPs.

Proposed new §227.5(7) would add a definition for Classroom Teacher and align with Chapter 228.

Proposed §227.5(11), Contingency Admission, would remove the term "conditional" from the definition of Contingency Admission for clarity and consistency.

Proposed §227.5(12) would update the definition of EPP for clarity.

Proposed new §227.5(14), Graduate Degree, would add clarity to degree requirements for admissions.

Proposed §227.5(18), Post-Baccalaureate Program, would realign the definition as applicable to a route that includes candidates pursuing certification in classes other than classroom teacher at university-based EPPs. This amendment would allow for the realignment of the Traditional route to include candidates in the Teacher class who are pursuing initial teacher certification concurrent with a graduate degree that is a result of new routes identified in HB 2.

Proposed new §227.5(26), Traditional Route, would distinguish the route as separate from the PREP Traditional route defined in §227.22 to align routes with those identified in HB 2.

§227.6. Implementation Date and §227.20. Implementation Date.

The proposed revisions to the admission requirements in Chapter 227 would specify that the requirements should be effective for applicants admitted into EPPs on or after the date the requirements are effective. The repeal of §227.6 and new §227.20 would align with formatting in 19 TAC Chapter 228.

§227.10. Admission Criteria.

The proposed amendment to §227.10(a)(1) would clarify that candidates seeking a degree concurrent with certification must be enrolled in the university and align the route with new routes identified in HB 2.

The proposed amendment to §227.10(a)(2) would clarify the degree required at admission based on the new routes identified in HB 2 and add further clarity by aligning with existing admission requirements for the Superintendent class in §242.5, Minimum Requirements for Admission to a Superintendent Preparation Program.

The proposed amendment to §227.10(a)(3)(A) and (B) would maintain the statutory requirement in TEC, §21.0441, requiring a 2.50 GPA at minimum but update the language for clarity and to more closely align with the language in the statute for operational flexibility. The updates would further refine the language in the rule to align with new routes identified in HB 2.

A refinement to proposed §227.10(a)(3)(C) would clarify the CTE certificate categories that are exempt from the minimum GPA requirement.

The proposed amendment to §227.10(a)(3)(D) would clarify the GPA requirement.

The proposed amendment to §227.10(a)(7) would align the language with the new route requirements identified in HB 2.

The proposed amendment to §227.10(a)(8) and proposed new subsection (a)(9) would separate the application submission and screening processes related to admission criteria. Proposed new subsection (a)(9) would add clarity to and elevate quality in requirements for the applicant screening process. The addition of proposed new paragraph (9) resulted in shifting the numbering of the following item to paragraph (10).

Proposed new §227.10(b) would align with the statutory requirements in TEC, §21.04422(b)(1), related to recruiting and admissions for SBEC-approved Residency programs; would require EPPs use research-based best practices for recruiting and admitting candidates into a Residency route; would elevate the Residency partnership experience by encouraging EPPs in partnerships to provide counseling and support for applicants to consider pursuing certification in areas that support partner local education agency (LEA) hiring needs. The addition of proposed new §227.10(b) would shift the citations following the additions.

Proposed new §227.10(d)(3) and §227.10(e) would support transparency for applicants to, and candidates in, EPPs regarding expiring certification examinations and/or certificates so that candidates are informed of expiration deadlines and can plan to complete preparation requirements efficiently to meet expiration deadlines.

The proposed amendment to §227.10(g) would clarify the language related to admission requirements for applicants seeking certification in Trade and Industrial Workforce Training: Grades 6-12.

The proposed amendment to §227.10(i)(4) would update the list of certificates that include certification in early childhood that qualify for admission into the Early Childhood: Prekindergarten-Grade 3 certificate area seeking additional training required in Chapter 228 for certification by examination purposes. The addition of one certificate category would require renumbering.

§227.15. Contingency Admission.

The proposal, including §227.15(a) and (e), would address updates to preparation routes to align with new routes identified in HB 2 and refine some existing language for clarity.

The proposed amendment to §227.15(c) would clarify the process EPPs use to notify the Texas Education Agency (TEA) of a candidate's contingency admission into the EPP.

The proposed amendment to §227.15(d) would clarify that EPPs that contingently admit candidates must collect an official transcript to verify the degree has been conferred.

The proposed amendment to §227.15(f) would update the language to reflect that the end of a semester would be dependent upon the calendar of the accredited institution of higher education in which the candidate is enrolled pursuing a degree because the common calendar is no longer maintained by the

Texas Higher Education Coordinating Board effective November 2024.

Proposed new §227.15(g) would clarify the consequence for a contingently admitted candidate if the required degree does not confer as expected, as required in §227.15(f).

§227.17. Formal Admission.

The proposal, including §227.17(f), would address updates to preparation routes in alignment with new routes identified in HB 2 and refine some existing language for clarity.

The proposed amendment to §227.17(e) would clarify the process EPPs use to notify the TEA of a candidate's formal admission into the EPP.

§227.19. Incoming Class Grade Point Average.

The proposal would address updates to preparation routes in alignment with new routes identified in HB 2 and align revisions with the GPA language referenced in §227.10(a)(3).

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

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

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

COST INCREASE TO REGULATED PERSONS: This proposal is exempt from the requirements of TGC, §2001.0045, per TEC, §21.041(e), as added by HB 2, 89th Texas Legislature, Regular Session, 2025.

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by requiring the EPP to notify candidates upon admission if the certificate sought by the candidate, or the test required for the certificate sought by the candidate, is set to expire. This provides transparency to candidates for efficient processing. The proposed rulemaking would also expand an existing regulation by adding a requirement for residency programs that they must use research-based best practices for recruiting and admitting candidates into the route and offer counseling and support for applicants and candidates to consider pursuing certification in the areas of need for partner LEAs. This addition implements a statutory requirement.

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

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER A. ADMISSION TO EDUCATOR PREPARATION PROGRAMS

19 TAC §§227.5, 227.6, 227.10, 227.15, 227.17, 227.19

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC,

§21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

§227.5. Definitions.

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

(1) Accredited institution of higher education--An institution of higher education (IHE) that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.

(2) Alternative certification route--A pathway to certification [~~program--An approved educator preparation program,~~] delivered by entities described in §228.25 of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional [~~undergraduate~~] certification program, that may offer an internship or practicum experience for individuals already holding the degree that is required for Standard certification that was conferred by [~~at least a bachelor's degree from~~] an accredited IHE [~~institution of higher education~~].

(3) Applicant--An individual seeking admission to an educator preparation program (EPP) for any class of certificate.

(4) Candidate--An individual who has been formally or contingently admitted to an EPP [~~educator preparation program~~]; also referred to as an enrollee or participant.

(5) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(6) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories as described in Chapter 233 of this title.

(7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher. For the purposes of this chapter, a classroom teacher includes an educator who may not yet hold a certificate issued under Texas Education Code (TEC), Chapter 21, Subchapter B.

(8) [~~(7)~~] Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching. [~~An assignment, as described in §228.67 of this title (relating to Clinical Teaching).~~]

(9) [~~(8)~~] Content certification examination--A standardized test or assessment required by statute or SBEC [~~State Board for Educator Certification~~] rule that governs an individual's admission to an EPP [~~educator preparation program~~].

(10) [~~(9)~~] Content pedagogy examination--A standardized test or assessment required by statute or SBEC [~~State Board for Educator Certification~~] rule that governs an individual's certification as an educator.

(11) [~~(10)~~] Contingency admission--Admission [~~Conditional admission~~] to an EPP [~~educator preparation program~~] when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.

(12) [~~(11)~~] Educator preparation program--An entity that is [~~must be~~] approved by SBEC [~~the State Board for Educator Certification~~] to prepare and recommend candidates for certification in one or more certification classes [~~classes of certificates~~].

(13) [~~(12)~~] Formal admission--Admission to an EPP [~~educator preparation program~~] when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).

(14) Graduate degree--A degree earned from and conferred by an IHE after the initial undergraduate degree.

(15) [~~(13)~~] Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an EPP [~~educator preparation program~~].

(16) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or within the first semester of the academic year; or who is both admitted into the EPP and hired by the district or after

the school's academic year has begun, and requires additional time to complete the pre-internship requirements.

(17) Partnership preservice program--A Preparing and Retaining Educators Through Partnership (PREP) Preservice program established under TEC, §21.902, that includes a partnership between a school district or eligible charter school and an eligible EPP. Also known as PREP route as defined in §228.2 of this title (relating to Definitions). The PREP routes include PREP Traditional, Residency, and Preservice Alternative Certification.

(18) [~~(14)~~] Post-baccalaureate program--An EPP [~~educator preparation program~~], delivered by an accredited IHE [~~institution of higher education~~] and approved by SBEC [~~the State Board for Educator Certification~~] to prepare and recommend candidates for certification in non-teacher classes concurrent with obtaining a graduate degree [~~recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and are seeking an additional degree~~].

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

(20) Preparing and Retaining Educators Through Partnership (PREP) Alternative Preservice program--The PREP Alternative Preservice program established under TEC, §21.905. Also called Preservice Alternative Certification route as defined in §228.2 of this title.

(21) Preparing and Retaining Educators Through Partnership (PREP) Residency Preservice program--The PREP Residency Preservice program established under TEC, §21.904. Also called Residency route as defined in §228.2 of this title.

(22) Preparing and Retaining Educators Through Partnership (PREP) Traditional Preservice program--The PREP Traditional Preservice program established under TEC, §21.903. Also called PREP Traditional route as defined in §228.2 of this title.

(23) [~~(15)~~] Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited IHE [~~institution of higher education~~].

(24) School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.

(25) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(26) Traditional route--A pathway to teacher certification that provides a clinical teaching experience for candidates who are seeking a degree concurrent with certification.

(27) [~~(16)~~] Undergraduate degree--A bachelor's degree earned from and conferred by an accredited IHE [~~institution of higher education~~].

§227.6. Implementation Date.

The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.

§227.10. Admission Criteria.

(a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.

(1) For a university traditional teacher route or a university post-baccalaureate route for a class other than teacher [~~undergraduate or post-baccalaureate program~~], an applicant shall be enrolled in an accredited institution of higher education (IHE).

(2) For an alternative certification or Preservice Alternative Certification route [~~program~~] or a university post-baccalaureate route for a class other than teacher [~~program~~], an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE. Applicants to a Superintendent program must hold, at minimum, a master's degree or higher earned from and conferred by an accredited IHE as required in §242.5 of this title (relating to Minimum Requirements for Admission to a Superintendent Preparation Program).

(3) To [~~For an undergraduate university program, alternative certification program, or post-baccalaureate program, to~~] be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.50 on a four-point scale or the equivalent [~~2.5~~] before admission.

(A) The GPA shall be calculated from an official transcript as follows:

(i) 2.50 [~~2.5~~] on all coursework previously attempted by the person at an accredited IHE:

(I) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]; or

(II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~]; or

(ii) 2.50 [~~2.5~~] in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:

(I) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]. If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or

(II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~].

(B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception only if these requirements are met:

(i) the program director documents [~~documentation and certification from the program director~~] that the [~~an~~] applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and

(ii) in accordance with the TEC, §21.0441(a)(2)(B), the [~~an~~] applicant achieves a passing score on [~~must pass~~] an appropriate content certification examination as specified in paragraph (4)(C) of this subsection for each subject in which the applicant seeks certification prior to admission. [~~In accordance with the TEC, §21.0441(b), applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.~~]

(C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE as described in §233.14(c) and (d) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) is exempt from the minimum GPA requirement.

(D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.50 [~~2.5~~] GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.

(4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:

(A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or

(B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or

(C) a passing score on the appropriate content certification examination as specified in the figure provided in this subparagraph.

Figure: 19 TAC §227.10(a)(4)(C) (No change.)

(5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Certification as Principal); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.

(6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemption [~~Exemptions, Exceptions, and Waivers~~]).

(7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).

(A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.

(B) An applicant to a university Traditional, PREP Traditional, or Residency program [~~undergraduate program~~] that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.

(8) An applicant must submit an application [~~and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought~~].

(9) An applicant must participate in a screening process that uses at least one evaluative tool, scored on a rubric developed for that purpose, to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.

(10) [~~(9)~~] An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.

(b) A program approved by the State Board for Educator Certification to offer a Residency route shall use research-based best practices for recruiting and admitting candidates into the route and offer counseling and support for applicants and candidates to consider pursuing certification in the areas of need for partner local education agencies.

(c) [~~(b)~~] An EPP may adopt admission requirements in addition to and not in conflict with those required in this section.

(d) [~~(c)~~] An EPP may not admit an applicant who:

(1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or

(2) has been employed for three years in a public school under a permit, intern, or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.

(3) is seeking certification in a certificate category or class where the certificate and/or related certification examination is scheduled to expire within one calendar year of the admission date if the EPP is not approved to offer the next generation of that certificate.

(e) Candidates who are admitted into certificate areas where the certification examination and/or certificate will expire must be notified by the EPP of the expiration timeline at admission and, thereafter, must be notified prior to expiration within a reasonable amount of time, based on the structure and requirements of the program, for the candidate to be able to complete requirements for standard certification before the certification examination and/or certificate expires.

(f) [~~(d)~~] An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(g) [~~(e)~~] An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met all requirements specified in §233.14(e) of this title (relating to Career and Technical Education Certificates requiring experience and preparation in a skill area, Trade and Industrial Workforce Training: Grades 6-12 certificate). [~~the following requirements:~~]

[~~(1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;~~]

[~~(2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;~~]

[~~(3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and~~]

[~~(4) within the period described by paragraph (2) of this subsection, has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.~~]

(h) [~~(f)~~] An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.

(i) [~~(g)~~] An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.45(b) of this title (relating to Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification), that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:

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

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

(3) Core Subjects: Early Childhood-Grade 6;

(4) Core Subjects with Science of Teaching Reading; Early Childhood-Grade 6;

(5) [~~(4)~~] Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6;

(6) [~~(5)~~] Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6;

(7) [~~(6)~~] Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6;

(8) [~~(7)~~] Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6;

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

(10) [~~(9)~~] Early Childhood Education;

(11) [~~(10)~~] Elementary--General;

(12) [~~(11)~~] Elementary--General (Grades 1-6);

(13) [~~(12)~~] Elementary--General (Grades 1-8);

(14) [~~(13)~~] Elementary Early Childhood Education (Prekindergarten-Grade 6);

(15) [~~(14)~~] Elementary Self-Contained (Grades 1-8);

(16) [~~(15)~~] English as a Second Language Generalist: Early Childhood-Grade 4;

(17) [~~(16)~~] English as a Second Language Generalist: Early Childhood-Grade 6;

(18) [~~(17)~~] Generalist: Early Childhood-Grade 4;

(19) [~~(18)~~] Generalist: Early Childhood-Grade 6;

(20) [~~(19)~~] Kindergarten;

(21) [~~(20)~~] Prekindergarten-Grade 5--General;

(22) [~~(21)~~] Prekindergarten-Grade 6--General; or

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

§227.15. Contingency Admission.

(a) An applicant may be accepted into an alternative certification program preparing candidates in any certification class or a post-baccalaureate program preparing candidates in a class other than teacher on a contingency basis pending receipt of an official transcript showing the degree required for admission [~~conferred~~], as specified in §227.10(a)(1) and (2) [~~§227.10(a)(2)~~] of this title (relating to Admission Criteria), has been conferred, provided that:

(1) the applicant is currently enrolled in and expects to complete the courses and other requirements for obtaining[~~,~~] the minimum [~~at a minimum, a bachelor's~~] degree required for admission at the end of the semester in which admission to the program is sought;

(2) all other admission requirements specified in §227.10 of this title have been met;

(3) the educator preparation program (EPP) [~~EPP~~] must notify the applicant of the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification; and

(4) the applicant must accept the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(b) The effective date of contingency admission shall be included in the offer of contingency admission.

(c) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's contingency admission by creating an admission record in the Educator Certification Online System (ECOS) for that entity.

(d) An applicant admitted on a contingency basis may begin program training and may be approved to take a certification examination[~~,~~] but shall not be recommended for an intern or a probationary certificate until the EPP verifies on an official transcript that the required degree [~~bachelor's degree or higher from an accredited institution of higher education (IHE)~~] has been conferred.

(e) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP [~~post-baccalaureate or alternative certification program at an IHE~~] may

admit an applicant if coursework and training was provided by the same institution of higher education (IHE) [~~IHE~~] as part of:

(1) the degree to be conferred;

(2) prerequisite courses for a degree [~~a prerequisite for a master's degree~~] leading to initial certification; or

(3) a different [~~post-baccalaureate~~] program of study.

(f) The contingency admission will be valid for only the fall, spring, or summer semester for which the contingency admission was granted and may not be extended for another semester. The end of the semester is determined by the calendar of the IHE in which the candidate is enrolled. [~~The end of each semester shall be consistent with the common calendar established by the Texas Higher Education Coordinating Board.~~]

(g) The EPP must collect an official transcript that reflects the required degree has been conferred. If the required degree is not conferred at the end of the semester identified in subsection (f) of this section, the candidate must be removed from the EPP. A candidate who is removed and who seeks reinstatement into the EPP must apply and meet all admission requirements as set forth in §227.10 of this title (relating to Admission Criteria) and must be formally admitted as set forth in §227.17 of this title (relating to Formal Admission).

§227.17. Formal Admission.

(a) For an applicant to be formally admitted to an educator preparation program (EPP), the applicant must meet all the admission requirements specified in §227.10 of this title (relating to Admission Criteria).

(b) For an applicant to be formally admitted to an EPP, the EPP must notify the applicant of the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(c) For an applicant to be considered formally admitted to the EPP, the applicant must accept the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(d) The effective date of formal admission shall be included in the offer of formal admission.

(e) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's formal admission by creating an admission record in the Educator Certification Online System (ECOS) for that entity.

(f) Except as provided by §227.15 of this title (relating to Contingency Admission), an alternative certification program or post-baccalaureate program, prior to formal admission, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP [~~post-baccalaureate or alternative certification program at an institution of higher education (IHE)~~] may admit an applicant if coursework and training was provided by the same accredited institution of higher education [~~IHE~~] as part of:

(1) a previous degree that was conferred;

(2) [a] prerequisite courses for a [~~master's~~] degree leading to initial certification; or

(3) a different [~~post-baccalaureate~~] program of study.

§227.19. Incoming Class Grade Point Average.

(a) The overall grade point average (GPA) of each incoming class admitted between September 1 and August 31 of each year by an educator preparation program (EPP), including an alternative certification program, may not be less than 3.00 on a four-point scale or the equivalent. In computing the overall GPA of an incoming class, an EPP may include:

(1) the GPA of each person in the incoming class based on all coursework previously attempted by the person at an accredited institution of higher education (IHE):

(A) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]; or

(B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~]; or

(2) the GPA of each person in the incoming class based only on the last 60 semester credit hours of all coursework attempted by the person at an accredited IHE:

(A) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]. If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall [~~may~~] use grades from all coursework previously attempted by a person at the most recent accredited IHE(s), starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or

(B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~].

(b) A person seeking career and technical education certification is not included in determining the overall GPA of an incoming class.

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 March 2, 2026.

TRD-202601039
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §227.20

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of

this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

§227.20. Implementation 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 March 2, 2026.

TRD-202601040

Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 228. REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§228.2; 228.6; 228.15; 228.25; 228.31; 228.33; 228.35; 228.41; 228.43; 228.45; 228.55; 228.57; 228.61; 228.63; 228.65; 228.67; 228.73; 228.79; 228.81; 228.91; 228.93; 228.95; 228.97; 228.101; 228.105; 228.107; 228.109, the repeal of §228.39 and §228.71, and new §228.68, concerning requirements for educator preparation programs (EPPs). The rules provide requirements and definitions as applicable to support EPPs and candidates in the successful implementation of these rules. The proposed revisions would implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228 are organized as follows: Subchapter A, General Guidance; Subchapter B, Approval of Educator Preparation Programs; Subchapter C, Administration and Governance of Educator Preparation Programs; Subchapter D, Required Educator Coursework and Training; Subchapter E, Educator Candidate Clinical Experiences; and Subchapter F, Support for Candidates During Required Clinical Experiences. These rules establish the requirements for EPPs. HB 2, 89th Texas Legislature, Regular Session, 2025, introduced significant educator preparation reforms, including the Preparing and Retaining Educators Through Partnership (PREP) Allotment. PREP strengthens teacher recruitment, preparation, and mentorship, requiring the SBEC to define new preparation routes, training standards, and quality review processes for EPPs.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential revisions to Chapter 228 to implement HB 2. The recommendations discussed were informed by legislative changes and stakeholder feedback.

The following proposed revisions to 19 TAC Chapter 228, Subchapters A-F, incorporate both SBEC and stakeholder input. This proposal also includes technical edits to update cross references and conform to Texas Register style requirements.

Subchapter A, General Guidance

§228.2. Definitions.

The proposed revisions to §228.2 would update the definitions for alternative certification route, classroom teacher, cooperating teacher, formal admission, late hire, post-baccalaureate program and would clarify existing definitions or align the definitions with new route requirements in HB 2.

Proposed new §228.2(40) and (46)-(50) would add definitions for Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP), PREP Alternative Preservice Program, PREP Grow Your Own Program, PREP Residency Preservice Program, and PREP Traditional Preservice Program to define new PREP routes that will impact EPPs' and their candidates' participation in PREP allotments identified in HB 2.

Proposed new §228.2(64) would add a definition for traditional route and clarify that an EPP may have two traditional routes, the PREP traditional route in proposed new §228.2(50), which qualifies for the PREP allotment, and the traditional route in proposed new §228.2(64), which does not.

Proposed new §228.2(6) and (60) would add definitions for asynchronous coursework and synchronous coursework, respectively, to provide guidance to EPPs to meet requirements in HB 2 that PREP programs and traditional programs must deliver coursework synchronously or be approved to offer coursework asynchronously.

The proposed amendments to §228.2(16), related to clock hours, and §228.2(19), related to cooperating teacher, would add the new pre-internship clinical teaching requirement as part of the new preservice alternative certification route identified in HB 2.

The proposal would strike §228.2(10), related to candidate coach, and (33), related to intensive preservice, due to the proposed repeal of §228.39, Intensive Preservice, to provide for the new preservice alternative certification route identified in HB 2.

Proposed new §228.2(34) would define intern mentor teacher to distinguish a mentor that is supporting candidates in EPPs who are completing internships. This proposed new definition would accommodate PREP Mentorship Program and rule updates in 19 TAC Chapter 153, School District Personnel.

The proposed revision to §228.2(39) would strike the definition for mentor and replace it with a definition of mentoring educators to provide for a collective term for the variety of roles of campus support personnel, including cooperating teachers, host teachers, mentor teachers, and intern mentor teachers. This proposed revision would accommodate PREP Mentorship Program and rule updates in Chapter 153.

§228.6. Implementation Date.

The proposed updates to the implementation of requirements in this chapter include adding pre-internship clinical teaching to the list of assignments requiring formal observations that are required to be completed and reported by the EPP. The references to the formal observation requirements in §228.6(1)(A) are adjusted as a result of proposed revisions to those sections but the implementation requirements for formal observations are maintained. While the rule text maintains the transition runway for phasing out training under Legacy Chapter 228 with a deadline of August 31, 2026, an effective date was added for currently proposed rules that identifies the candidate must meet the requirements in this chapter that were in effect at the time the candidate was admitted into the EPP. The proposal would update the implementation year to September 1, 2026, for the provisions of Chapter 228, unless otherwise specified in rule.

Subchapter B, Approval of Educator Preparation Programs

§228.15. Additional Approval.

The proposed amendment to §228.15(b) would require the EPP seeking approval to implement an SBEC-approved residency program must include evidence of compliance with Chapter 227, Provisions for Educator Preparation Programs, and address the addition of a statutory requirement for admission of candidates to the residency route.

The proposed revisions to §228.15(b)(1) would provide the application process and requirements for previously approved residency programs to meet SBEC approval for the residency route in 2027-2028. Proposed repeal and new Figure: 19 TAC §228.15(b)(1) would provide evidence needed by the EPP in the application process in 2027-2028.

The proposed revisions to §228.15(b)(2) and (3) would incorporate the application process for the addition of new residency requirements related to HB 2, beginning 2028-2029 and application process and requirements for new residency program applicants. The proposed revisions would also reinforce that an EPP cannot be approved to offer a residency route if the EPP's accreditation status is Accredited Probation. Proposed new Figure: 19 TAC §228.15(b)(2) would provide evidence needed by the EPP in the application process beginning 2028-2029.

The proposed amendment to §228.15(b)(4) and proposed new §228.15(b)(5) would provide detail on how EPPs are held accountable for meeting ongoing requirements of an approved residency route.

Proposed new §228.15(c)(1)-(5) would provide application requirements for SBEC approval of a preservice alternative certification route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency. Proposed new Figure: 19 TAC §228.15(c)(1) would provide evidence needed by the EPP in the application process for 2027-2028 approval. Proposed new Figure: 19 TAC §228.15(c)(2) would provide evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Proposed new §228.15(d)(1)-(5) would add application requirements for SBEC approval of a PREP traditional route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency and in proposed new §228.15(c)(1)-(5) for an SBEC approved preservice alternative certification route. Proposed new Figure: 19 TAC §228.15(d)(1) would provide evidence needed by the EPP in the application process for 2027-2028 SBEC approval. Proposed new Figure: 19 TAC §228.15(d)(2) would provide evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Proposed new §228.15(g) would provide guidance for EPPs to apply for TEA approval to offer asynchronous coursework for routes that require coursework to be delivered synchronously, as established by HB 2.

Subchapter C, Administration and Governance of Educator Preparation Programs

§228.25. Governance of Educator Preparation Programs.

Proposed new §228.25(e) would provide guidance to EPPs approved to offer PREP traditional and preservice alternative certification routes related to the duration and quality of collaboration with partner local education agencies (LEA).

Subchapter D, Required Educator Coursework and Training

§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

Proposed new §228.31(d) would provide clarification to EPPs that the EPP must maintain qualified instructors to deliver instruction to candidates and that EPP staff providing instruction in required content must apply for, attain, and maintain certification to provide that instruction, as required by HB 2.

Proposed new §228.31(e) would implement the statutory requirement that the EPP must comply with the prohibi-

tions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), related to instructional personnel and coursework.

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

Proposed new §228.33(d) would implement the statutory requirement in HB 2 that the EPP must be approved to offer coursework asynchronously for traditional and PREP traditional, residency, and preservice alternative certification routes.

§228.35. Substitution of Applicable Experience and Training.

Proposed new §228.35(b) would allow an uncertified teacher that has enrolled in the EPP to secure certification to substitute experience as a teacher of record for the required 50 hours of field-based experience in §228.43.

§228.39. Intensive Pre-Service.

The proposed repeal of §228.35 would be necessary to implement the preservice alternative certification route statutorily required by HB 2.

§228.41. Preservice Coursework and Training for Classroom Teacher Candidates.

The proposed amendment to §228.41(a)(2) would update the list of pedagogical skills in which candidates must be allowed to pursue proficiency during coursework and training that occurs before the required clinical experience. The proposed revisions would align with recently adopted pedagogy standards in Chapter 235, Classroom Teacher Certification Standards.

Proposed new §228.41(b) would reinforce that late hire candidates must complete the pre-service coursework and training but would provide new flexibility that the requirements must be completed within the first half of the internship instead of the first 90 days.

Proposed new §228.41(c) would implement the statutory requirement that candidates in the preservice alternative certification route must complete a portion of the required content from the Texas Reading Academies and Mathematics Achievement Academies to meet the preservice coursework and training requirement prior to beginning the required clinical experience.

§228.43. Preservice Field-Based Experiences for Classroom Teacher Candidates.

Proposed new §228.43(a) would reinforce the allowance in proposed new §228.35(b) that an uncertified teacher that has enrolled in the EPP to secure certification may substitute experience as a teacher of record for the required 50 hours of field-based experience detailed in this section. Proposed new subsection (a) would also reinforce the allowance in proposed new §228.68(h) that a candidate completing the pre-internship clinical practice within the preservice alternative certification route is exempt from the required 50 hours of field-based experience.

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

The proposed amendment to §228.45(c) would update the term "mentor" to "intern mentor teacher" to align with the new definition of the mentoring educator assigned to support a candidate completing an internship.

§228.55. Late Hire Candidates.

The proposed amendment to the requirements in §228.55 would implement the two-year intern certificate required by HB 2 and reinforce that the late hire candidate may begin the internship under the two-year certificate prior to completing the preservice coursework and training required in §228.41 and §228.43. The proposed amendment would also add flexibility by allowing the late hire candidate to complete the required coursework and training within the first half of the internship and reinforce the existing requirement that the intern certificate must be deactivated if the candidate does not complete the preservice coursework and training as required.

§228.57. Educator Preparation Curriculum.

Proposed new §228.57(f) would add the curriculum requirements identified in HB 2 and establish timelines for training content implementation specific to the preservice alternative certification route, the PREP traditional route, and the residency route. The proposal would also outline the process for SBEC approval of training content.

Subchapter E, Educator Candidate Clinical Experiences

§228.61. Required Clinical Experiences.

Proposed new §228.61(b) would integrate the preservice alternative certification route required in HB 2 into the requirements for clinical experiences by adding that a candidate completing requirements in this route must also complete pre-internship clinical teaching, which is further detailed in proposed new §228.68.

§228.63. Locations for Required Clinical Experiences.

The proposed amendment to §228.63 would update the list of locations of clinical experiences to integrate the new pre-internship clinical teaching requirement for the preservice alternative certification route and replace references to the term "mentor" with "intern mentor teacher". The proposed amendment would align with the requirements identified in HB 2 and related updates in Chapter 153. The proposal would also update the rule for candidates who seek to complete the required clinical experience outside of Texas by removing residency from the options. The residency route requires the EPP and LEA to partner, which is not feasible with school systems outside of Texas.

§228.65. Residency.

The proposed amendment to §228.65(a)(3) would provide flexibility to residency candidates who are pursuing a disciplinary degree in an educational setting outside of education (such as biology or mathematics) concurrent with certification by allowing a reduction of up to 50 clock hours of the residency assignment as needed by the candidate to complete degree requirements. The proposed amendment would also address stakeholder feedback regarding the flexibility necessary for candidates earning a disciplinary degree with additional coursework to successfully complete the residency route certification requirements.

The proposed amendment to §228.65(g) would clarify language related to the types of certificates for which a successful residency candidate could qualify.

§228.67. Clinical Teaching.

The proposed amendment to §228.67(b)(1) would incorporate the new definition of intern mentor teacher.

Proposed new §228.67(b)(4) would clarify that a candidate may not change districts during the clinical teaching experience if the candidate is completing clinical teaching through a PREP tradi-

tional program. This revision would honor the partnership between the district and the EPP.

The proposed amendment to §228.67(d) would clarify that increased instructional responsibility in clinical teaching includes opportunities for the candidate to lead classroom instruction.

§228.68. Pre-internship Clinical Teaching.

Proposed new §228.68 would incorporate the structure of the new preservice alternative certification route established by HB 2. The proposal would outline parameters for the "preservice" portion of the route requirement, which is a version of clinical teaching that candidates in this route will complete prior to beginning the internship portion of their training. The proposed requirements would also include the number of hours of preservice clinical teaching and the activities in which the candidate will engage and the support the candidate will receive during the experience.

Proposed new §228.68(g) would carve out that a candidate who has completed a PREP Grow Your Own Program will be exempt from this pre-internship clinical teaching portion of the preservice alternative certification requirements. Proposed new §228.68(h) would exempt candidates who complete the pre-internship clinical teaching portion of the preservice alternative certification requirements from the required 50 hours of field-based experiences in §228.41(a)(1).

§228.71. Exceptions to Clinical Teaching Requirement.

The proposed repeal of §228.71 would align with the routes and requirements established by HB 2.

§228.73. Internship.

Proposed new §228.73(a) and (b) would align the internship as the clinical experience type for candidates pursuing certification through the alternative certification routes and clarify the candidate must hold a conferred bachelor's degree to participate in an internship. The proposal would add a carve out for candidates in an alternative certification route who no longer qualify to complete an internship and thus must complete clinical teaching to finish requirements.

Proposed §228.73(c) and (d) would identify the two alternative certification routes required by HB 2 and update language to reflect the type of intern certificate available to each route, including the new two-year intern certificate and the new intern with preservice certificate. The proposed amendment would also update the duration and assignment information to clarify that a one-year internship is required for either route and establish that the candidate in the preservice alternative certification route must complete the internship in one district, which honors the partnership for the purpose of qualifying for the PREP allotment.

The internship extension requirements in proposed §228.73(h) would be maintained with added clarification that the intern must not have exhausted the three years of eligibility to extend an internship or complete an additional internship. The clarification further bifurcates the options of extending the internship into a second year if the candidate has additional coursework or other requirements to complete versus completing an additional internship, which would be required if the candidate's first internship was not successful. This is further detailed in proposed updates to the observation requirements in §228.109(b), which would require formal field supervision for a second internship if the first was unsuccessful but would not require formal supervision if the first internship was successful and the internship is extended to allow the candidate to finish other requirements. The proposal would benefit the EPP due to the reduced cost of field supervision and benefit the candidate and district by allowing the candidate to hold an SBEC credential and maintain employment after the successful internship year is complete.

The proposal would also update the term "mentor" to "intern mentor teacher" to align with the change in definition of the mentoring educator supporting candidates in internships.

Proposed §228.73(i) would adjust the certificate deactivation requirements to add flexibility for late hire candidates to complete pre-service requirements within the first half of the internship instead of the first 90 days.

Proposed §228.73(j) would update the certificate deactivation rules to align with the updated preservice coursework requirement for late hire candidates proposed in §228.41(b) and §228.55(c) by extending the time frame for completing preservice requirements from the first 90 days to the first half of the internship. The proposed changes to the certificate deactivation requirements would also add flexibility to the timeline for EPPs to notify the TEA to deactivate a certificate and address stakeholder feedback that the current timelines are difficult to meet.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

The proposed amendment to §228.79(b) would update language related to a candidate pursuing certification as a Junior Reserve Officer Training Corps instructor.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

The proposed amendment to §228.81(c) would establish that the two-year intern certificate is available to candidates pursuing certification in a class other than teacher who meet the requirements for the certificate. The proposed amendment would be applicable to candidates who seek to complete a practicum while employed in a role that requires an SBEC credential.

Subchapter F, Support for Candidates During Required Clinical Experiences

§228.91. Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors.

The proposed amendment to §228.91 would update language throughout this section to change the term "mentor" to "intern mentor teacher" to align with the new definition in §228.2 and apply the term "mentoring educators" when collectively referring to requirements for the campus personnel supporting teacher candidates in clinical experiences. The proposed updates would also reflect new requirements established by HB 2, including the addition of the pre-internship clinical experience as a clinical experience that requires a cooperating teacher, and add clarification that a mentoring educator must agree to be assigned to support the candidate during the clinical experience.

The proposed amendment to §228.91(e) and proposed new subsection (f) would clarify training requirements for mentoring educators and site supervisors to add the requirement for PREP routes that mentoring educators must be trained through *Texas Mentorship Training* and would provide a timeline for phasing in the *Texas Mentorship Training*.

§228.93. Cooperating Teacher Qualifications and Responsibilities.

The proposed amendment to §228.93 would add co-teaching to increase clarity around the duties of a cooperating teacher, update the term "mentor" to "intern mentor teacher" to align with changes in terminology, and add pre-internship clinical teaching as required by the preservice alternative certification route established by HB 2. The proposal would also require that cooperating teachers supporting candidates in PREP programs complete *Texas Mentorship Training*.

§228.95. Host Teacher Qualifications and Responsibilities.

The proposed amendment to §228.95(a)(3) would detail the *Texas Mentorship Training* requirements for host teachers supporting candidates in residency assignments, including an implementation runway for completing the first training, as required by HB 2.

§228.97. Intern Mentor Teacher Qualifications and Responsibilities.

The proposed amendment to §228.97 would include updating the term "mentor" to "intern mentor teacher" to align with changes to that terminology and revising qualification requirements to align with requirements in Chapter 153.

The changes to proposed §228.97(a)(3) and (b)(2) and (3) would add requirements established by HB 2 for intern mentor teachers supporting candidates in the preservice alternative certification route, including a training requirement that intern mentor teachers must complete *Texas Mentorship Training* and the addition of duties of an intern mentor teacher to align with requirements in TEC, §21.458(f).

§228.101. Field Supervisor Qualifications and Responsibilities.

The proposed amendment to §228.101 would clarify qualifications for field supervisors of candidates in PREP routes and update the term "mentor" to "intern mentor teacher" to align with new terminology in §228.2.

The proposed amendment to §228.101(b)(1) would extend the timeline for field supervisors to renew the TEA-approved training to the next year. Additional proposed updates provide options for field supervisors to credit training in areas such as T-TESS certification and other approved agency training to count as a portion of the TEA-approved field supervisor training.

The proposed amendment to §228.101(b)(4) and (5) would add pre-internship clinical teaching and the preservice alternative certification route to the requirements for formal and informal observations conducted by the field supervisor. The proposed amendment to subsection (b)(5) would add flexibility for candidates in the alternative certification route completing internships by reducing the number of informal observations from three per semester of the internship to two per semester.

The proposed amendment to §228.101(b)(6) would align formatting with other similar rules but retain the informal observation requirement for candidates who are late hires to maintain the added support needed for late hire candidates as they enter the classroom with minimal formal training.

Proposed new subsection (b)(8) would establish that candidates in the pre-internship clinical teaching assignment are required to have informal observations conducted by field supervisors, including feedback on candidate progress toward mastering the competencies identified in §228.41 required for all preservice candidates.

Proposed §228.101(b)(9), (11), and (12) would update guidance related to collaboration between field supervisors and mentoring educators and feedback provided to mentoring educators and other campus or district staff related to candidate performance to ensure that field supervisors and mentoring educators collaborate and communicate regularly in support of the candidate. Proposed subsection (b)(12) would define requirements for field supervisors of candidates in PREP routes and require the field supervisor to have collaborative meetings with campus supervisors at least three times per semester and with the mentoring educator at least two times monthly.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

The proposed amendment to §228.105 would integrate the pre-internship clinical teaching experience requirement for the preservice alternative certification route established by HB 2 into the field supervisors' requirement for formal observations in §228.105(a) and clarify that the field supervisor must provide a copy of the written feedback resulting from a formal observation to the mentoring educator supporting the candidate in any type of clinical experience.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments.

The proposed amendment to §228.107 would integrate the pre-internship clinical teaching experience requirement for the preservice alternative certification route into the formal observation schedule for clinical teaching and require one formal observation during the pre-internship clinical teaching assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

The proposed amendment to §228.109(b) would reduce the number of formal observations required for candidates holding a two-year intern certificate who are not late hires from five observations to four for both the initial internship and an additional internship that is required when the first internship was not successful. The proposed amendment would add flexibility and reduce cost for EPPs.

Proposed new §228.109(c) would maintain observation requirements for late hire candidates. The proposal would require the field supervisor to conduct five total observations during the internship as is currently required. The number of formal observations for late hire candidates would not be reduced to maintain a higher level of support for the candidates who may lack formal training prior to beginning the internship.

The proposed amendment to §228.109(d) would extend the modified observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and require one additional observation per semester for the second subject area.

Proposed new §228.109(e) and (f) would implement the formal observation requirements for an internship for candidates holding an intern with preservice certificate while pursuing certification through the preservice alternative certification route. In addition to the one formal observation during the pre-internship clinical teaching portion of the training detailed in §228.107(e), the proposed observation schedule for the internship would require four formal observations during the full school year internship, with two in the first half of the internship and two in the last half. Proposed new subsection (f) would extend the observation

schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and require one additional observation per semester for the second subject area.

Proposed new §228.109(g) and (h) would establish requirements for formal observations of candidates completing an internship under a probationary certificate. The proposal would reorganize current subsection (e) to proposed new subsection (g) to improve overall readability; however, the observation requirement of five total observations, three in the first half of the internship and two in the last half of the internship has not changed. Proposed new subsection (h) would identify requirements for candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area, requiring one additional observation per semester for the second subject area. The proposal would also align language across subsections (d), (f), and (h).

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules may impose a cost on other state agencies (institutions of higher education) and on small businesses and micro-businesses (EPPs). An initial implementation cost may be incurred by EPPs that choose to offer any or all of the PREP preparation routes.

HB 2 requires EPPs to make updates to coursework and candidate training if they seek to offer the PREP routes specified in the TEC. EPPs are not, however, required to offer these routes.

The proposed PREP routes require EPPs to apply, at no cost, for pathway approval. While there may be additional costs for an EPP associated with developing a high-quality program, the preparation pathways are optional for EPPs and, therefore, not a required cost. The costs to EPPs would be widely variable; for example, EPPs may already have an established residency preparation pathway that meets the proposed requirements while other EPPs would need to invest time and resources into the development of the residency preparation pathway. Additionally, while the preservice alternative certification route is new for all prospective programs and will require time, effort, and resources, it will be varied depending on the type of model designed, the quality of current partnerships, etc. It is difficult to estimate this cost.

As described, one key cost to the implementation of the PREP routes is the initial cost to EPPs to ensure training and certification of staff to redeliver the content. There may be initial costs to EPPs in Fiscal Year (FY) 2027 regarding time and effort to train faculty and ensure the training content is integrated into the program. TEA estimates that each program will train on average 10 faculty to engage in training for 40 hours to seek certification to redeliver content. This training may also be counted for continuing education for those faculty members. TEA estimates an additional 10 hours to integrate the training content into existing courses. It is estimated that the average course release stipend for faculty is $3,500 for 144 hours of faculty time. This means that for faculty to engage in 50 additional hours, TEA staff would estimate the cost to be about $1,300 for each faculty, meaning an average of $13,000 for faculty to complete the training in FY 2027. TEA staff would estimate a 30% attrition rate and retraining of faculty in subsequent years, in addition to new content training in FY 2028. When TEA staff combines attrition costs with new training content, TEA staff estimates it will cost the program $16,900 to implement in FY 2028. It should, however, be additionally noted that programs will begin to generate $10,000-$11,500 per candidate completer by FY 2029. This cost savings to EPPs is difficult to predict, given that programs range in annual production.

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

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

COST INCREASE TO REGULATED PERSONS: This proposal is exempt from the requirements of TGC, §2001.0045, per TEC, §21.041(e), as added by HB 2, 89th Texas Legislature, Regular Session, 2025.

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation for EPPs that seek to offer the optional PREP Residency, PREP Traditional, or PREP Preservice Alternative Certification routes. The proposed rulemaking would also update requirements for Alternative Certification Route requirements and establish regulation pertaining to PREP route review and approval and new regulation for the SBEC's review of coursework for certain routes. Additionally, the proposed rulemaking would set the requirement that the EPP must comply with the prohibitions and requirements under TEC, §28.0022(a)(1)-(4), regarding instructional personnel and coursework, as required in TEC, §21.0442(b)(3). All new regulations are necessary to implement statutory requirements of HB 2. In addition, the proposed rulemaking would repeal an existing regulation by repealing §228.39, Intensive Preservice Requirements, to address statutory requirements as well as §228.71, Exceptions to Clinical Teaching Requirement.

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

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER A. GENERAL GUIDANCE

19 TAC §228.2, §228.6

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's

degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.2. Definitions.

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

(1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education (IHE), September 1 through August 31.

(2) Accredited institution of higher education--An IHE that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.

(3) Alternative certification route [~~program~~]--A pathway to certification [~~An approved educator preparation program~~], delivered by entities described in §228.25(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional [~~undergraduate~~] certification program, that may offer an internship or practicum experience for individuals already holding the degree that is required for standard certification that was conferred by [~~at least a bachelor's degree from~~] an accredited IHE.

(4) Analysis--Examining [~~examining~~] teaching and/or instructional resources (e.g., student work samples, a video of teaching practices) to recognize key teaching practices enacted in a variety of ways, build understanding of the practice through repeated review, develop a shared vision for a teacher practice, and compare their own practice for improvement.

(5) Assignment start date--For an internship, clinical teaching, or residency, the first day of instruction with students. For a non-teacher practicum experience, the first day of the window in which the candidate is authorized by the educator preparation program (EPP) [~~EPP~~] to begin the practicum experience.

(6) Asynchronous coursework--Self-paced, non-simultaneous instruction during which students can access materials and complete assignments at any time, in a manner and time frame prescribed within the course. Courses are delivered online rather than in a traditional classroom. A course is asynchronous when greater than 50% of the coursework is delivered asynchronously.

(7) [~~(6)~~] Authentic school setting--For the purpose of field-based experiences, during the school day and the school year and including summer school; not to include professional development, extracurricular activities, workdays when students are not present, and before- or after-school childcare or tutoring.

(8) [~~(7)~~] Benchmarks--Reference points throughout the preparation process where candidates are assessed for progress toward completing EPP requirements (e.g., admission, passing a specific course or courses, passing a certification exam, completing preservice requirements).

(9) [~~(8)~~] Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern or a candidate pursuing a residency certificate.

(10) [~~(9)~~] Candidate--An individual who has been formally or contingently admitted into an EPP; also referred to as an enrollee or participant.

[~~(10) Candidate coach--A person as defined in §228.39(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.~~]

(11) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(12) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.

(13) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher. For purposes of this chapter, a classroom teacher includes an educator who may not yet hold a certificate issued under Texas Education Code (TEC), Chapter 21, Subchapter B.

(14) Clinical experience--A supervised educator assignment through an EPP at a public school accredited by the Texas Education Agency (TEA) [~~TEA~~] or other school approved by the TEA for this purpose where candidates demonstrate proficiency in the

standards for the certificate sought and that may lead to completion of a standard certificate. Clinical experience includes clinical teaching, internship, practicum, and residency.

(15) Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.

(16) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited IHE is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, pre-internship clinical teaching, internship, residency, and practicum are actual hours spent in the required educational activities and experiences.

(17) Contingency admission--Admission as defined in §227.5 of this title (relating to Definitions) and described in §227.15 of this title (relating to Contingency Admission).

(18) Completer--A person who has met all the requirements of an approved EPP; also referred to as finisher. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer.

(19) Cooperating teacher--An [~~For a clinical teacher candidate, an~~] educator who is collaboratively assigned by the EPP and campus administrator who supports the candidate during the clinical teaching experience or during the pre-internship clinical teaching experience.

(20) Co-teaching--A practice in which two or more teachers share instructional responsibility for a single group of students to address specific content and related learning objectives through a variety of approaches that best support the students' learning needs.

(21) Educator--An individual who is required to hold a certificate issued under TEC, Chapter 21, Subchapter B.

(22) Educator preparation program--An entity that is approved by the SBEC to prepare and recommend candidates for certification in one or more [~~educator~~] certification classes.

(23) Enactments--Opportunities to engage teacher candidates in sheltered/protected practice to develop a skill through such examples as doing student work, role playing student interactions, coached lesson rehearsals, and peer run throughs of a proposed lesson. Candidates should have the opportunity to receive feedback on current practice and integrate feedback into future practices.

(24) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.

(25) Entity--The individual, corporation, partnership, IHE, public school or school district that is approved to deliver an EPP.

(26) Extracurricular activities--Activities sponsored by the University Interscholastic League (UIL), the school district board of trustees, or an organization sanctioned by resolution of the board of trustees as specified in Chapter 76, Subchapter AA, of Part 2 of this title (relating to Commissioner's Rules).

(27) Field-based experiences--Introductory experiences for a classroom teacher certification candidate, incorporated with preparation coursework that involve, at the minimum, reflective observation of and interaction with Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in an authentic school setting.

(28) Field supervisor--A currently certified educator, who preferably has advanced credentials, hired by the EPP to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.

(29) Formal admission--Admission as defined in §227.5 of this title (relating to Definitions) and described in §227.17 of this title (relating to Formal Admission).

(30) Head Start Program--The federal program established under the Head Start Act (42 United States Code (USC), §9801 et seq.) and its subsequent amendments.

(31) Host teacher--For a teacher resident candidate, an educator who is jointly assigned by the EPP and the campus administrator who supports the candidate through co-teaching and coaching during their teacher residency field placement.

(32) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved EPP.

[~~(33) Intensive pre-service--An educator assignment supervised by an EPP accredited and approved by the SBEC prior to a candidate meeting the requirements for issuance of intern and probationary certificates.~~]

(33) [~~(34)~~] Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing requirements for initial certification through an approved EPP.

(34) Intern mentor teacher--For a candidate serving in an internship, an educator who serves or has served as a teacher in Texas who provides effective support to candidates during the internship experience.

(35) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.

(36) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or within the first semester of the academic year; or who is both admitted into the EPP and hired by the district or after the school's academic year has begun, and requires additional time to complete the pre-internship requirements .

(37) Legacy Chapter 228 rules--The version of State Board for Educator Certification rules in Chapter 228 that were in effect on August 31, 2024.

(38) Long-term substitute--An individual that has served in place of a teacher of record in a classroom for at least 30 consecutive days; also referred to as a permanent substitute.

[~~(39) Mentor--For an internship candidate, an educator who is employed as a classroom teacher on the candidate's campus and who is assigned to support the candidate during the internship experience.~~]

(39) Mentoring educators--Educators on Prekindergarten-Grade 12 campuses that serve as host teachers, cooperating teachers, intern mentor teachers, or mentor teachers as defined in Chapter 153 of

Part 2 of this title (relating to School District Personnel) that provide support to candidates completing clinical experiences.

(40) Partnership preservice program--A Preparing and Retaining Educators Through Partnership (PREP) Preservice program established under TEC, §21.902, that includes a partnership between a school district or eligible charter school and an eligible EPP. Also known as PREP route for the purpose of implementation in this chapter. The PREP routes include PREP traditional, residency, and preservice alternative certification.

(41) [~~(40)~~] Pedagogy--The art and science of teaching that incorporates instructional methods that are developed from scientifically based research.

(42) [~~(41)~~] Performance task--An assessment in which the teacher candidate applies learning and demonstrates a discrete set of skills, resulting in a tangible product or performance that serves as evidence of learning. The assessment must be evaluated using a standard rubric or set of criteria and must not include multiple-choice questions.

(43) [~~(42)~~] Post-baccalaureate program--An EPP, delivered by an accredited IHE and approved by the SBEC to prepare and recommend candidates for certification in nonteacher certification classes concurrent with obtaining a graduate degree[~~, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree~~].

(44) [~~(43)~~] Practicum--A supervised educator assignment at a public school accredited by the TEA or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.

(45) Pre-internship clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the TEA or other school approved by the TEA for this purpose that occurs prior to a candidate's assignment in an internship.

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

(47) Preparing and Retaining Educators Through Partnership (PREP) Alternative Preservice Program--The PREP Alternative Preservice Program established under TEC, §21.905. Also called preservice alternative certification route for the purpose of implementation in this chapter.

(48) Preparing and Retaining Educators Through Partnership (PREP) Grow Your Own Program--Requirements completed through §153.1304 of Part 2 of this title (relating to Preparing and Retaining Educators Through Partnership Grow Your Own Program).

(49) Preparing and Retaining Educators Through Partnership (PREP) Residency Preservice Program--The PREP Residency Preservice Program established under TEC, §21.904. Also called residency route for the purpose of implementation in this chapter.

(50) Preparing and Retaining Educators Through Partnership (PREP) Traditional Preservice Program--The PREP Traditional Preservice Program established under TEC, §21.903. Also called PREP traditional route for the purpose of implementation in this chapter.

(51) [~~(44)~~] Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved EPP.

(52) [~~(45)~~] Representations--Artifacts and illustrations of instruction used to help teacher candidates see and analyze strong teaching practices. Representations expose teacher candidates to and build understanding of specific criteria of effective teacher practices, as well as deepen their content knowledge for teaching. May include teacher educator modeling, student work, videos and transcripts.

(53) [~~(46)~~] Residency--A supervised educator assignment for an entire school year through a partnership between an EPP and a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of an enhanced standard certificate.

(54) [~~(47)~~] School day--Actual school attendance days during the regular academic school year, including a partial day or extended day that students attend school for instructional purposes as adopted by the district or governing body of the school, excluding weekends, holidays, summer school, etc.

(55) [~~(48)~~] School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.

(56) [~~(49)~~] Site supervisor--For a practicum candidate, an educator who is assigned collaboratively by the campus or district administrator and the EPP and who supports the candidate during the practicum experience.

(57) [~~(50)~~] Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title.

(58) [~~(51)~~] Students with disabilities--A student who is eligible to participate in a school district's special education program under TEC [~~Texas Education Code~~], §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 USC Section 794), or is covered by the Individuals with Disabilities Education Act (20 USC Section 1400 et seq.).

(59) [~~(52)~~] Substitute teacher--An individual who serves in place of a teacher of record in a classroom in an accredited public or private school.

(60) Synchronous coursework--Instruction delivered in a live, real-time setting, where students and instructors are online or in person at the same time for interactive live classes or discussions. A course is synchronous when greater than 50% of the coursework is delivered synchronously.

(61) [~~(53)~~] Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(62) [~~(54)~~] Texas Education Agency staff--Staff of the TEA assigned by the commissioner of education to perform the SBEC's administrative functions and services.

(63) [~~(55)~~] Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

(64) Traditional route--A pathway to teacher certification that provides a clinical teaching experience for candidates who are seeking a degree concurrent with certification.

§228.6. Implementation Date.

The provisions of this chapter are effective September 1, 2026 [2024], unless otherwise specified in rule.

(1) At the determination of the educator preparation program (EPP), candidates admitted into an EPP prior to September 1, 2024, are eligible to finish preparation program requirements under the Legacy Chapter 228 rules or may complete requirements under the new rules and credit requirements completed under the Legacy Chapter 228 rules.

(A) Regardless of the preparation program requirements approved by an EPP via provisions in this paragraph [(1) of this subsection], for the purposes of formal observations, clinical experiences in Subchapter E of this chapter (relating to Educator Candidate Clinical Experiences), that begin on or after September 1, 2024, must meet the frequency and duration requirements in §§228.103 [§§228.103(b)(1)] of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 [228.105(b)] of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 [228.105(c)(1) of this title, 228.107(b)] of this title (relating to Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments), 228.109 [228.107(d) of this title, 228.109(b)(1)] of this title (relating to Formal Observations for Candidates in Internship Assignments), [228.109(b)(2) of this title, 228.109(c)(1) of this title, 228.109(c)(2) of this title,] and 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides).

(B) Candidates must complete all requirements under Legacy Chapter 228 rules by August 31, 2026.

(2) Candidates admitted into an EPP on or after September 1, 2024, are subject to [all] requirements in this chapter that were effective at the time of admission.

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 March 2, 2026.

TRD-202601048
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER B. APPROVAL OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.15

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teach-

ers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.15. Additional Approval.

(a) An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by Texas Education Agency (TEA) staff on an application in a form developed by TEA staff that shall include, at a minimum, the following:

(1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;

(2) selection criteria for clinical teachers;

(3) selection criteria for cooperating teachers;

(4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;

(5) description of program supervision; and

(6) description of how candidates are evaluated.

(b) An educator preparation program (EPP) seeking approval to implement a residency route as defined in §228.2 of this title (relating to Definitions) [~~residency program~~] must submit a complete application in a form developed by TEA staff for consideration and approval by the State Board for Educator Certification (SBEC). The application must include evidence indicating the ability to comply with the provisions of this chapter, [~~and~~] Chapter 230 of this title (relating to Professional Educator Preparation and Certification), and Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates). Residency programs approved by the SBEC prior to the 2026-2027 academic year are approved to offer the residency route for the 2026-2027 academic year only.

(1) For 2027-2028 academic year approval to offer a residency route, only SBEC-approved residency programs approved by the SBEC prior to the 2026-2027 academic year are eligible to complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence [~~Evidence~~] of compliance for the 2027-2028 academic year are [~~is~~] described in the figure provided in this paragraph.

Figure: 19 TAC §228.15(b)(1)

[~~Figure: 19 TAC §228.15(b)(1)~~]

(2) For 2028-2029 academic year approval to offer a residency route, SBEC-approved residency programs under paragraph (1) of this subsection and EPPs seeking new approval for a residency route must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.

Figure: 19 TAC §228.15(b)(2)

(3) [~~(2)~~] TEA staff will review the application and required evidence and shall recommend to the SBEC whether the residency route [~~residency program~~] should be approved.

(4) EPPs that currently have an SBEC-approved residency route must complete the additional application process in paragraphs

(1) and (2) of this subsection to secure a new SBEC approval. EPPs must be approved for the 2027-2028 cycle by June 30, 2027, and for the 2028-2029 cycle by June 30, 2028, or approval for the residency route shall be revoked.

(5) An EPP with a status of Accredited Probation shall not be approved to implement a residency route.

(6) [~~(3)~~] A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year [~~after the end of the first academic year~~] in which the program reports residency completers to the TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).

(7) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title (relating to Program Consolidation or Closure).

(c) An EPP seeking approval to implement a preservice alternative certification route as defined in §228.2 of this title must submit a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application must include evidence indicating the ability to comply with the provisions of this chapter, Chapter 230 of this title, and Chapter 227 of this title.

(1) For 2027-2028 academic year approval to offer the preservice alternative certification route, EPPs must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance for applications submitted are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(c)(1)

(2) For 2028-2029 academic year approval of SBEC-approved preservice alternative certification programs and for EPPs seeking new approval for a preservice alternative certification route, to determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(c)(2)

(3) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the preservice alternative certification route should be approved.

(4) An EPP with a status of Accredited-Probation shall not be approved to implement a preservice alternative certification route.

(5) A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year in which the program reports completers in the preservice alternative certification route to the TEA in accordance with §229.3 of this title.

(6) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years or is rated Accredited-Probation for two consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title.

(d) An EPP seeking approval to implement a Preparing and Retaining Educators Through Partnership (PREP) traditional route to meet requirements in TEC, §21.903, must submit a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application must include evidence indicating the ability to comply with the provisions of this chapter, Chapter 230 of this title, and Chapter 227 of this title.

(1) For 2027-2028 academic year approval to offer the PREP traditional route, EPPs must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance for applications are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(d)(1)

(2) For 2028-2029 academic year approval of SBEC-approved PREP traditional programs and for EPPs seeking new approval for a PREP traditional route, to determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(d)(2)

(3) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the PREP traditional route should be approved.

(4) An EPP with a status of Accredited-Probation shall not be approved to implement a PREP traditional route.

(5) A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year in which the program reports completers in the PREP traditional route to the TEA in accordance with §229.3 of this title.

(6) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years or is rated Accredited-Probation for two consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title.

(e) [~~(e)~~] An EPP seeking the addition of certificate categories and classes must comply with the following as applicable.

(1) An EPP that is rated Accredited, as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request the addition of a certificate class that has not been previously approved by the SBEC but must present a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application at a minimum must include the components identified in §228.11(a)(1) of this title (relating to New Entity Approval) and must document evidence that the EPP has the staff knowledge and expertise to support individuals participating in the certificate class being requested.

(2) An EPP that is rated Accredited, as provided in §229.4 of this title, may request additional certificate categories be approved by TEA staff if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff. The application shall include, at a minimum, the curriculum matrix, a description of how the educator standards for the certificate are incorporated into the coursework and training; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in the certificate category being requested. The curriculum matrix must include the educator standards, the test framework competencies, the applicable Texas Essential Knowledge and Skills, the course and/or module names, and the benchmarks and assessments used to measure mastery of the standards and competencies and candidate progress through coursework.

(3) An EPP rated Accredited, as provided in §229.4 of this title, and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff that shall include, at a minimum, a modified curriculum matrix that includes:

(A) the educator standards;

(B) test framework competencies;

(C) course and/or module names; and

(D) the benchmarks and assessments used to measure successful program progress.

(4) An EPP that has an accreditation status other than Accredited, as listed in §229.4 of this title, may not apply to offer additional certificate categories or classes of certificates.

(f) [~~(d)~~] An EPP that is rated Accredited, may open additional locations, provided the program informs TEA staff of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate. An EPP that has an accreditation status listed in §229.4 of this title other than Accredited may not open additional locations.

(g) A PREP program and a traditional program may seek approval to offer coursework in an asynchronous, online format by submitting an application in a form developed by TEA staff for consideration and approval by the TEA. Any coursework submitted by an EPP for approval in an asynchronous, online format will be reviewed by TEA staff and will be evaluated to ensure that all coursework:

(1) provides timely, consistent feedback to candidates regarding their assignments;

(2) includes performance tasks that are based on real classroom practices and/or the candidates' field-based experiences or clinical experiences. Candidates must be provided specific, targeted feedback that supports educator standards listed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards);

(3) includes multiple performance benchmarks of candidate proficiency in the educator standards and test framework competencies related to the certification class or category sought; and

(4) provides a weekly opportunity for synchronous touchpoints with an assigned instructor.

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 March 2, 2026.

TRD-202601049
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER C. ADMINISTRATION AND GOVERNANCE OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.25

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC,

§21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.25. Governance of Educator Preparation Programs.

(a) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools.

(b) An advisory committee with members representing at least three out of the five groups identified as collaborators in subsection (a) of this section shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP) and shall meet a minimum of once during each academic year. The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee.

(c) The governing body and chief operating officer of an EPP shall provide sufficient support to enable the EPP to meet all standards set by the State Board for Educator Certification (SBEC) [~~SBEC~~] and shall be accountable for the quality of the EPP and the candidates whom the EPP recommends for certification.

(d) For an EPP that the SBEC [~~State Board for Educator Certification~~] has approved to offer a residency program under §228.65 of this title (relating to Residency), the EPP must meet at least quarterly with district and campus administrators of the school district with which the EPP has partnered, including the campus supervisors of all the EPP's current residency candidates, to review data, including performance data, for the EPP's current residency candidates and to make programmatic decisions or changes to implement continuous improvement of the EPP's residency program.

(e) EPPs that are approved to offer Preparing and Retaining Educators Through Partnership (PREP) traditional and preservice alternative certification routes must meet at least two times per academic year with district and campus administrators of the school district(s) with which the EPP has partnered, at minimum, to review program data, including:

(1) reviewing alignment between district needs and EPP recruitment;

(2) making collaborative decisions related to ongoing quality improvements to the PREP program(s); and

(3) planning for ongoing support of candidates and support and training of the mentoring educators supporting the candidates.

(f) [~~(e)~~] For the purposes of EPP improvement, an EPP shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically based research practices, and the results of internal and external feedback and assessments.

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 March 2, 2026.

TRD-202601050
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER D. REQUIRED EDUCATOR COURSEWORK AND TRAINING

19 TAC §§228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of

certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

(a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.

(b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.

(c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.

(d) The EPP must maintain qualified instructors delivering the subject-matter required in §228.57 of this title (relating to Educator Preparation Curriculum). EPP staff providing instruction in required content identified in §228.57(f) of this title for Preparing and Retaining Educators Through Partnership (PREP) routes must apply for and successfully earn certification from the agency to provide that instruction and maintain certification.

(e) The EPP must comply with the prohibitions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), regarding instructional personnel and coursework as required in TEC, §21.0442(b)(3). The EPP must attest to their compliance by September 1, 2026.

(f) [~~(d)~~] An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.

(g) [~~(e)~~] The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.

(h) [~~(f)~~] Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:

(1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;

(2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and

(3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.

(i) [~~(g)~~] An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.

(j) [~~(h)~~] An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience

prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.

(k) [~~(i)~~] An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

(l) [~~(j)~~] During the period of preparation, the EPP shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

(a) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the assignment.

(b) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and must include multiple performance tasks and other evaluative tools that require candidates to demonstrate proficiency in the educator standards and test framework competencies related to the certificate class or category sought.

(c) All coursework and/or training shall be completed prior to an EPP identifying a candidate as a completer and recommending standard or enhanced standard certification.

(d) In approved Preparing and Retaining Educators through Partnership (PREP) routes and in the traditional route, an EPP may offer coursework required for teacher preparation in an asynchronous, online format if approved as required in §228.15 of this title (relating to Additional Approval).

(e) [~~(d)~~] Coursework and training that is offered online must meet criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:

(1) Accreditation or Certification by the Distance Education Accrediting Commission;

(2) Program Design and Teaching Support Certification by Quality Matters;

(3) Part 1, Chapter 2, Subchapter J, [~~Rule~~] §2.204 of this title (relating to Distance Education Standards and Criteria; the Principles of Good Practice for Distance Education [~~Approval of Distance Education Courses and Programs for Public Institutions~~]); or

(4) Part 1, Chapter 7, of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).

§228.35. Substitution of Applicable Experience and Training.

(a) Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

(1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;

(2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and

(3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

(b) An EPP may allow a candidate who is employed as an uncertified classroom teacher, and who was employed as an uncertified teacher for at least the full school year preceding issuance of the intern certificate, to substitute service as a teacher of record for the field-based experiences required in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates).

§228.41. Preservice [~~Pre-Service~~] Coursework and Training for Classroom Teacher Candidates.

(a) Unless a candidate qualifies as a late hire under §228.55 of this title (relating to Late Hire Candidates), a candidate shall complete the following prior to any clinical teaching, internship, or residency:

(1) a minimum of 50 clock-hours of field-based experiences that are integrated into coursework and are completed as described in §228.43 of this title [~~chapter~~] (relating to Preservice [~~Pre-Service~~] Field-Based Experiences for Classroom Teacher Candidates); and

(2) 150 clock-hours of coursework and/or training as prescribed in §228.57 of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency through performance tasks in the following pedagogical skills.[~~:~~]

(A) Teachers demonstrate understanding of their content and related pedagogy and the appropriate grade-level Texas Essential Knowledge and Skills.

(B) Teachers apply knowledge of their students to anticipate and respond to their unique academic and nonacademic needs, including disabilities, giftedness, bilingualism, and biliteracy.

(C) Teachers explicitly teach, model, and implement classroom routines, procedures, and transitions to enforce behavior expectations and behavior regulation with consistent, logical consequences.

(D) Teachers use high-quality instructional materials and internalize lesson content by reading the texts, completing learning tasks and assessments, rehearsing lesson delivery, and identifying any personal gaps in understanding.

(E) Teachers prepare instruction that follows a logical scope and sequence, connects students' prior knowledge to new content, and includes clear learning objectives, grade or course level content, explicit instruction, student engagement, academic language, deliberate practice, and assessment appropriate to the discipline.

(F) Teachers explicitly model and think aloud grade-level strategies.

(G) Teachers maintain appropriate pacing aligned to the purpose of the planned lesson.

(H) Teachers provide frequent opportunities for practice using multiple engagement strategies (independent, partner, and group practice; think-pair-share; everybody writes; turn and talk) and engages all students in thinking tasks throughout the arc of the lesson.

(I) Teachers analyze student work, use formative assessments and elaborate feedback during instruction to gauge and respond to student progress, address misconceptions, regularly evaluate student progress toward mastery, and identify gaps in knowledge.

(J) Teachers understand and comply with applicable federal, state, and local laws pertaining to individuals with disabilities and the professional and ethical responsibilities of educators.

[(A) preparing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for all learners, and encourage higher-order thinking, persistence, and achievement;]

[(B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;]

[(C) ensuring high levels of learning and achievement for all students through knowledge of students, proven practices, and differentiated instruction;]

[(D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;]

[(E) organizing a safe, accessible, and efficient classroom;]

[(F) establishing, communicating, and maintaining clear expectations for student behavior;]

[(G) leading a mutually respectful and collaborative class of actively engaged learners;]

[(H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;]

[(I) reflecting on his or her practice;]

[(J) effectively communicating with students, families, colleagues, and community members;]

[(K) proactively implementing instructional planning techniques and inclusive practices for all students, including students with disabilities; and]

[(L) effectively implementing open education resource instructional materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code, §31.022, in each subject area and grade level covered by the certification category.]

(b) Candidates who qualify as late hires shall complete the requirements in subsection (a)(1) and (2) of this section within the first half of the internship.

(c) Beginning with the 2027-2028 academic year, candidates pursuing certification in Early Childhood-Grade 3 or Early Childhood-Grade 6 in the preservice alternative certification route must complete, at minimum, the designated pre-clinical portion of the required hours of Texas Reading Academies and Mathematics Achievement Academies training prior to beginning the internship.

§228.43. Preservice [Pre-Service] Field-Based Experiences for Classroom Teacher Candidates.

(a) Unless the candidate meets the allowance in §228.35 of this title (relating to Substitution of Applicable Experience and Training) or is completing the requirements in §228.68 of this title (relating to Pre-internship Clinical Teaching) for initial certification in the classroom teacher certification class, each educator preparation program (EPP) shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.

(b) [(a)] An EPP [educator preparation program (EPP)] shall require each candidate to complete field-based experiences in a variety of authentic school settings with diverse student populations, including observation of teachers modeling effective practices to improve student learning and opportunities for candidates to practice skills and receive feedback.

[(b) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.]

(c) Field-based experiences must include, at a minimum, 25 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities.

(1) Field-based experiences must be conducted in settings that include all of the following:

(A) authentic school settings in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, including all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC);

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Field-based experiences include candidates engaging with activities such as:

(A) small group instruction;

(B) tutoring;

(C) presenting whole class instruction;

(D) one-on-one student support;

(E) practicing classroom management skills;

(F) supporting lead teacher instruction; and

(G) coteaching.

(3) Each field-based experience must include a written reflection of the experience that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(4) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(d) Up to 25 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method; service as a teacher of record, service as an educa-

tional aide, and service as a substitute teacher; and must be under the direction of the EPP.

(1) The field-based experience setting must include:

(A) authentic school settings in an accredited public or private school;

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Each field-based experience must include a written reflection of the observation that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(3) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(4) Field-based experience hours identified in this subsection must occur after the candidate's admission into the EPP. The candidate's experience in instructional or educational activities, including reflections as described in paragraph (2) of this subsection, must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(e) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute (as defined in §228.2 of this title) either after the candidate's admission to an EPP or during the two years before the candidate's admission to an EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(f) An EPP may apply to use a public school, a private school, or a school system located within any state or territory of the United States as a site for field-based experience in accordance with §228.63(f) of this title (relating to Locations for Required Clinical Experiences).

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

(a) An educator preparation program (EPP) must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Early Childhood: Prekindergarten-Grade 3 certificate adopted by the State Board for Educator Certification (SBEC) as specified in Chapter 235, Subchapter B, of this title (relating to Early Childhood [~~Elementary School~~] Certificate Standards).

(b) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.

(c) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate as specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in §228.33 of this title (relating to Preparation Program Coursework and/or Training for All Certification Classes) and §228.37 of this title (relating to Coursework and Training for Classroom Teacher Candidates [~~of this section~~]) that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. An EPP shall also provide such a candidate a clinical experience as specified in §228.61(a) of this title (relating to Required Clinical Experiences) and §228.63 of this title (relating to Locations for Required Clinical Experiences), an intern mentor teacher [~~a mentor~~] or cooperating teacher as specified in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences), and field supervision and ongoing support as specified in Subchapter F of this chapter.

§228.55. Late Hire Candidates.

(a) A late hire for a school district teaching position may begin an internship [~~employment~~] under a two-year intern [~~an intern or probationary~~] certificate before completing the preservice coursework and training [~~pre-internship~~] requirements under §228.41 of this title (relating to Preservice [~~Pre-Service~~] Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice [~~Pre-Service~~] Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements by the end of the first half of the internship [~~within 90 business days of the hire date~~].

(b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of preservice coursework and [~~pre-internship~~] training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.

(c) A candidate that does not complete the preservice [~~pre-internship~~] requirements under §228.41 of this title and §228.43 of this title by the end of the first half of the internship as required in subsection (a) of this section [~~within 90 business days of the hire date~~] is not qualified for the two-year intern [~~or probationary~~] certificate. The educator preparation program shall then notify TEA staff to deactivate the two-year intern [~~or probationary~~] certificate in accordance with §228.73(h) of this title (relating to Internship).

§228.57. Educator Preparation Curriculum.

(a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).

(b) The curriculum for each educator preparation program (EPP) shall rely on scientifically based research to ensure educator effectiveness and include opportunities for candidate practice in increasingly more authentic and developmentally rigorous ways, including analysis, representations, and enactments of instructional pedagogies and opportunities to receive feedback and adjust practice during coursework, training and field-based and clinical experiences.

(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:

(1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code

of Ethics) as well as Chapter 249, Subchapter B, of this title (relating to Enforcement Actions and Guidelines), which include:

(A) professional ethical conduct, practices, and performance;

(B) ethical conduct toward professional colleagues; and

(C) ethical conduct toward students;

(2) instruction in detection and education of students with dyslexia by an approved provider as indicated in Texas Education Code (TEC), §21.044(b);

(3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;

(4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students in this state, including students with disabilities;

(5) the importance of building strong classroom management skills;

(6) the framework in this state for teacher and principal evaluation;

(7) appropriate relationships, boundaries, and communications between educators and students;

(8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;

(B) provide effective, evidence-based strategies to determine a person's degree of digital literacy;

(C) cover best practices in:

(i) assessing students receiving virtual instruction, based on academic progress; and

(ii) developing a virtual learning curriculum; and

(D) include resources to address any deficiencies identified by the digital literacy evaluation;

(9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC, §21.044(a-1)(1)-(3); and

(10) instruction in the open education resources instructional materials included on the list of approved instructional materials maintained by the State Board of [~~for~~] Education under TEC, §31.022, in each subject area and grade level covered by the candidate's certification category, as required under TEC, §21.044(a-1)(4). A preparation program may not include instruction on the use of instructional materials that incorporate the method of three-cueing, as defined by TEC, §28.0062(a-1), into foundational skills reading instruction, as required under TEC, §21.044(h).

(d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:

(1) the relevant TEKS, including the English Language Proficiency Standards;

(2) reading instruction, including instruction that improves students' content-area literacy;

(3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and

(4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).

(e) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:

(1) child development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;

(2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and

(3) Science of Teaching Reading Standards.

(f) The following content shall be included in the curriculum for candidates enrolled in Preparing and Retaining Educators Through Partnership (PREP) routes and shall be delivered by certified instructors who have been trained and certified by Texas Education Agency (TEA) staff for that purpose as described under §228.31(d) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates).

(1) Beginning September 1, 2027, curriculum for candidates pursuing certification in Early Childhood-Grade 3 and Early Childhood-Grade 6 through a preservice alternative certification or PREP traditional route must include *The EPP Texas Reading Academies* and *The EPP Mathematics Achievement Academies.*

(2) Beginning September 1, 2027, curriculum for candidates pursuing certification in all teacher certification areas through a preservice alternative certification or PREP traditional route must include *The Science of Learning.*

(3) Beginning September 1, 2028, curriculum for all candidates pursuing certification through a PREP route must include applicable training content required in paragraphs (1) and (2) of this subsection and other training content that has been developed by the commissioner of education and approved under paragraph (4) of this subsection.

(4) All training content described in paragraphs (1)-(3) of this subsection must be reviewed by TEA staff and referred to the SBEC for consideration and approval to ensure that the content:

(A) is research-based;

(B) meets the statutory requirements of TEC, §21.044(a)(1);

(C) is practice-based; and

(D) includes performance-based assessments of candidate proficiency in the knowledge and skills of the educator standards.

(5) EPP requirements for integration of PREP training content in the 2027-2028 and 2028-2029 academic years are described in the figures in §228.15(b), (c), and (d) of this title (relating Additional Approval).

(g) [~~(f)~~] For candidates seeking certification in the Principal certification class, the curriculum shall also include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).

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 March 2, 2026.

TRD-202601051
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §228.39

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create

a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.39. Intensive Pre-Service.

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 March 2, 2026.

TRD-202601053
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER E. EDUCATOR CANDIDATE CLINICAL EXPERIENCES

19 TAC §§228.61, 228.63, 228.65, 228.67, 228.68, 228.73, 228.79, 228.81

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets

requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.61. Required Clinical Experiences.

(a) To prepare a candidate for initial certification in the classroom teacher certification class, an educator preparation program (EPP) shall provide the candidate one of the following:

(1) clinical teaching that meets the standards in §228.67 of this title (relating to Clinical Teaching); or

~~[(2) a clinical teaching option that is approved by the State Board for Educator Certification through an exception request under §228.71 of this title (relating to Exceptions to the Clinical Teaching Requirement); or]~~

(2) [~~(3)~~] an internship that meets the requirements of §228.73 of this title (relating to Internship); or

(3) [~~(4)~~] a residency that meets the requirements of §228.65 of this title (relating to Residency).

(b) Candidates completing requirements through a preservice alternative certification route must complete pre-internship clinical teaching as described in §228.68 of this title (relating to Pre-internship Clinical Teaching) in addition to an internship identified in subsection (a)(3) of this section.

(c) [~~(b)~~] Candidates participating in an internship or a clinical teaching assignment must experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences, or for a preservice alternative certification program, through the pre-internship clinical teaching assignment.

(d) [~~(c)~~] To prepare a candidate for initial certification in a class other than classroom teacher, an EPP shall provide a practicum for a minimum of 160 clock-hours that meets the requirements in §228.81 of this title (relating to Clinical Experience for Certification Other Than Classroom Teacher).

§228.63. Locations for Required Clinical Experiences.

(a) An internship, pre-internship clinical teaching, clinical teaching, practicum, or residency experience must take place in-person in a Prekindergarten-Grade 12 school setting rather than a distance learning lab or virtual school setting.

(b) An internship, pre-internship clinical teaching, clinical teaching, or residency experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:

(1) a certified teacher is available as a trained mentoring educator [~~mentor~~];

(2) the Head Start program is affiliated with the federal Head Start program and approved by the Texas Education Agency (TEA);

(3) the Head Start program teaches three- and four-year-old students; and

(4) the state's prekindergarten curriculum guidelines are being implemented.

(c) An internship, pre-internship clinical teaching, clinical teaching, practicum, or residency experience shall not take place in a setting where the candidate:

(1) has an administrative role over the intern mentor teacher [~~mentor~~], cooperating teacher, site supervisor, or host teacher; or

(2) is related to the field supervisor, intern mentor teacher [~~mentor~~], cooperating teacher, site supervisor, or host teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.

(d) School districts and charter schools authorized under Texas Education Code, Chapter 12, all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of internship, clinical teaching, practicum, and/or residency.

(e) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for internships, clinical teaching, practicums, and/or residency.

(f) An educator preparation program (EPP) may file an application, with the appropriate fee specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching or[~~,~~] practicum[~~, or residency~~] required by this chapter.

(1) The clinical teaching or [~~,~~] practicum[~~, or residency~~] site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:

(A) military assignment of candidate or spouse;

(B) illness of candidate or family member for whom the candidate is the primary caretaker;

(C) candidate becomes the primary caretaker for a family member residing out of state; or

(D) candidate or spouse transfer of employment.

(2) The application shall identify the circumstances that necessitate the request to complete clinical teaching or[~~,~~] practicum[~~, or residency~~] outside of the state of Texas and be in a form developed by TEA staff and shall include, at a minimum:

(A) the accreditation(s) held by the school;

(B) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable Texas Essential Knowledge and Skills and State Board for Educator Certification educator [~~certification~~] standards;

(C) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and

(D) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.

(g) An EPP may file an application, with the appropriate fee specified in §229.9 of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching or[~~,~~] practicum[~~, or residency~~] required by this chapter.

(1) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:

(A) military assignment of candidate or spouse;

(B) illness of candidate or family member for whom the candidate is the primary caretaker;

(C) candidate becomes the primary caretaker for a family member residing out of country; or

(D) candidate or spouse transfer of employment.

(2) The application shall identify the circumstances that necessitate the request to complete clinical teaching or[~~,~~] practicum[~~, or residency~~] outside of the United States and be in a form developed by TEA staff and shall include, at a minimum:

(A) the same provisions required in subsection (f)(2) of this section for schools located within any state or territory of the United States;

(B) a description of the on-site program personnel and program support that will be provided;

(C) a description of any risks to candidate or supervising personnel associated with placement in the country specified in the application and options for mitigating risks; and

(D) a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

§228.65. Residency.

(a) To offer a residency, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an enhanced standard certificate as prescribed in §230.39 of this title (relating to Enhanced Standard Certificates):

(1) the residency must include a minimum of one full school year of clinical experience, including the first and last instructional days with students, in a classroom supervised by a host teacher in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP;

(2) the residency clinical experience must meet a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include school district or campus closures or disruptions (e.g., inclement weather, holidays). In the event of a district or campus closure that results in the need for reduced residency clinical experience hours during a given week, the program must document the need for the reduced hours;

(3) the minimum may be reduced to no less than 700 hours if the candidate is absent from the clinical assignment due to a documented instance of parental leave, military leave, extended illness, or bereavement or for the completion of coursework related to earning a disciplinary degree with a teaching certificate; and

(4) the beginning date of a residency clinical experience for the purpose of field supervision is the first day of instruction with students in the school or district in which the residency takes place.

(b) An EPP offering a residency shall ensure that:

(1) residency candidates are assigned to one distinct field site for the duration of the residency. EPPs may allow exceptions with a documented process for candidates seeking certification in more than one certification category, candidates seeking certification in Early Childhood-Grade 12 certification categories, and candidates with reasonable human resources concerns. The program and the district must both sign documentation that the benefits of two placements outweigh the consequence of not assigning one distinct field placement. Candidates who receive exceptions shall be placed in no more than two distinct field sites;

(2) during the course of the residency, the residency candidate shall engage in increased responsibility for student instruction, including coteaching and leading classroom instruction for at least 400 hours; and

(3) a residency candidate must experience a full range of professional responsibilities during the residency.

(c) In addition to the benchmarks and structured assessments required under §228.31(c) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates), the EPP shall manage and support candidate progression through the dimensions described in subsection (f) of this section and determine readiness to proceed to the next level of increased responsibility for student instruction during the residency, including establishing performance gates with performance tasks observed and evaluated by the field supervisor that require residency candidates to demonstrate mastery of certain educator standards to progress to the next level of responsibility for student instruction. Performance gates must be conducted at least four times a year and occur at least twice per semester.

(d) The EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the residency, unless, prior to the expiration of that term:

(1) the candidate resigns or is terminated by the school or district;

(2) the candidate is discharged or is released from the EPP;

(3) the candidate withdraws from the EPP; or

(4) the residency assignment does not meet the requirements described in this subchapter.

(e) If the candidate leaves the residency assignment for any of the reasons identified in subsection (d) of this section, the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment.

(f) A candidate participating in a residency shall be eligible for an enhanced standard certificate by completing all of the following:

(1) the requirements as prescribed in §230.39(b) of this title (relating to Enhanced Standard Certificates);

(2) programmatic requirements under subsections (a)-(c) of this section;

(3) the requirements of the following proficiencies in §150.1002 of Part 2 [~~II~~] of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet the Proficient performance level measure in each of the following dimensions:

(A) Planning Dimension 1.1: Standards and Alignment;

(B) Planning Dimension 1.2: Data and Assessment;

(C) Instruction Dimension 2.1: Achieving Expectations;

(D) Instruction Dimension 2.2: Content Knowledge and Expertise;

(E) Instruction Dimension 2.3: Communication;

(F) Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;

(G) Learning Environment Dimension 3.2: Managing Student Behavior;

(H) Learning Environment Dimension 3.3: Classroom Culture;

(I) Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;

(J) Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and

(K) Professional Practices and Responsibilities Dimension 4.3: Professional Development.

(g) A residency is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor, host teacher, and campus supervisor recommend to the EPP that the candidate should be recommended for an enhanced standard [~~a residency~~] certificate. If the field supervisor, host teacher, or campus supervisor do not recommend that the candidate should be recommended for an enhanced standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and the field supervisor, the host teacher, or the campus supervisor.

§228.67. Clinical Teaching.

(a) A candidate seeking initial certification as a classroom teacher must have a clinical teaching assignment for each subject area in which the candidate is seeking certification.

(b) The required duration of a clinical teaching assignment shall be a minimum of 490 hours. For the purposes of satisfying this requirement, the following provisions apply.

(1) At least 280 clinical teaching hours must be completed in the subject area and grade level of the certification sought, under the supervision of a cooperating teacher as specified in §228.91 of this title (relating to Intern Mentor Teachers [~~Mentors~~], Cooperating Teachers, Host Teachers, and Site Supervisors), including planning periods.

(2) The remaining clinical teaching hours may be accrued through additional instructional hours during the school day, Texas Essential Knowledge and Skills-based extracurricular activities that

directly relate to the grade-level and subject area of the certification sought, and professional development hours that occur within the assignment start and end date. The candidate must be under the supervision of a certified educator for the remaining required hours of clinical teaching.

(3) The minimum required clinical teaching hours may be reduced to no less than 455 hours if the candidate is absent from the clinical teaching assignment due to a documented instance of parental leave, military leave, medical leave, or bereavement.

(4) Candidates completing clinical teaching in a Preparing and Retaining Educators Through Partnership traditional program must complete the clinical teaching hours in one district during the clinical experience.

(c) For certification in more than one subject area that cannot be taught concurrently during the same period of the school day as the primary teaching assignment, at least 70 hours of the clinical teaching requirement in subsection (b)(2) of this section must be completed in each additional subject area if and only if:

(1) the educator preparation program (EPP) is approved to offer preparation in the certification category required for the additional assignment;

(2) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences);

(3) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and

(4) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.

(d) The EPP must structure the clinical teaching assignment so that the candidate is provided opportunities for co-teaching and increased instructional responsibility, including leading classroom instruction, over the course of the clinical teaching assignment and as the candidate demonstrates mastery of educator standards.

(e) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.

(f) The EPP may require additional hours of clinical teaching if the first experience was not successful.

(g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter for the full term of the initial and any additional clinical teaching, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

§228.68. Pre-internship Clinical Teaching.

(a) Candidates completing a preservice alternative certification program must complete a pre-internship clinical teaching experience that includes at least 120 clock-hours of pre-internship clinical teaching in the subject area and grade level of the certification sought, under the supervision of a cooperating teacher, as specified in §228.91 of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), in which the candidate:

(1) completes a minimum of 70 clock-hours where the candidate has increasing responsibility for student instruction, including lesson preparation and rehearsal, co-teaching, and leading classroom instruction with at least 15 of the clock-hours accrued by leading classroom instruction across at least 8 full lesson cycles and with a sequence of at least three consecutive lessons;

(2) completes the remaining required clock-hours where the candidate engages in professional responsibilities, which could include, but are not limited to, additional co-teaching and leading classroom instruction; student assessment delivery and/or analysis; parent conferences; admission, review, and dismissal committee meetings; participation in professional learning communities; small group facilitation; individual tutoring; and additional opportunities for lesson preparation and rehearsal; and

(3) demonstrates acceptable progress toward proficiency in implementation of the pedagogical skills identified in §228.41(a)(2) of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) in the pre-internship clinical teaching classroom.

(b) Candidates who do not demonstrate acceptable progress toward proficiency in the pedagogical skills required in subsection (a)(3) of this section must be placed by the EPP on a support plan that is developed in partnership between the EPP and school district or charter school, to be completed by the candidate during the internship.

(c) Candidates must complete all pre-internship clinical teaching requirements within a nine-month period.

(d) If the candidate completes the pre-internship clinical teaching requirement in a different school district than the district in which the internship is completed, the EPP must share information with the internship district regarding the candidate's pre-internship progress toward proficiency, including any support plan developed as specified in subsection (b) of this section.

(e) If a pre-internship clinical teaching placement is not available in the subject and/or grade level of the certification sought by the candidate, the EPP and district must ensure that the candidate's pre-internship placement is in a subject area and/or grade level that most closely meets their certification area. A support plan shall be developed by the EPP and school district partnership to support the candidate's transition to their internship placement.

(f) Candidates completing a preservice alternative certification program must complete the pre-internship clinical teaching experience prior to beginning the internship required in §228.73 of this title (relating to Internship).

(g) Candidates who successfully complete the Preparing and Retaining Educators Through Partnership Grow Your Own Program pathway are exempt from completing the pre-internship clinical teaching identified in subsection (a)(1)-(3) of this section.

(h) Candidates who complete pre-internship clinical teaching are not required to complete the 50 hours of field-based experiences required in §228.41(a)(1) of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates).

§228.73. Internship.

(a) A candidate completing an alternative certification program or a preservice alternative certification program must complete an internship. A candidate in an alternative certification program who has exhausted the three years available to complete an internship as identified in §230.36 of this title (relating to Intern Certificates) or §230.37 of this title (relating to Probationary Certificates) may complete clinical teaching if the educator preparation program (EPP) is approved to offer clinical teaching as identified in §228.15 of this title (relating to Additional Approval).

(b) With the exception of candidates pursuing certification in areas that do not require a bachelor's degree as identified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)), a candidate must hold, at minimum, a conferred bachelor's degree to participate in an internship.

(c) [~~(a)~~] While participating in an internship, a candidate must hold the appropriate two-year intern certificate [~~an intern~~] or probationary certificate, or for candidates pursuing certification through the preservice alternative certification route, an intern with preservice certificate, that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The EPP [~~educator preparation program (EPP)~~] must verify and document that the candidate's intern, intern with preservice, or probationary certificate is active prior to the start of the internship assignment.

(d) [~~(b)~~] The duration of the [~~An~~] internship must be [~~for~~] a minimum of one full school year and must be completed in [~~for~~] the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(1) A candidate completing an internship through the preservice alternative certification route while holding the intern with preservice certificate as described in §230.36 of this title must complete the internship in one full school year in one school district.

(2) A candidate completing an internship through an alternative certification route may complete the full school-year internship while holding a two-year intern certificate or a probationary certificate.

(e) [~~(c)~~] An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.

(f) [~~(d)~~] The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.

(g) [~~(e)~~] An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:

(1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;

(2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(3) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and

(5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.

(h) [~~(f)~~] An EPP may extend the internship or recommend an additional internship if:

(1) the candidate has not exhausted the number of years allowed in a classroom prior to achieving a standard certificate as required in §230.36 of this title and in §230.37 of this title; and

(2) [~~(1)~~] the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's intern mentor teacher [~~mentor~~], and the EPP implements the plan during the additional internship; or

(3) [~~(2)~~] the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the extended [~~additional~~] internship. EPPs are not required to provide formal observations of candidates who are completing an extension following a successful internship year but must provide ongoing support as needed while the candidate is in the assignment.

(i) [~~(g)~~] An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship or internship extension, including formal observations required in §228.109(b) of this title (relating to Formal Observations for Candidates in Internship Assignments) for candidates completing an additional internship that must be completed due to an unsuccessful first internship as described in subsection (h)(2) of this section, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;

(2) the candidate resigns, is non-renewed, or is terminated by the school or district;

(3) the candidate is discharged or is released from the EPP;

(4) the candidate withdraws from the EPP;

(5) the candidate is a late hire and fails to meet the pre-internship requirements within the first half of the internship [~~90 business days of assignment~~] in accordance with §228.55 of this title (relating to Late Hire Candidates); or

(6) the internship assignment does not meet the requirements described in this subchapter.

(j) [~~(h)~~] If the candidate leaves the internship assignment for any of the reasons identified in subsection (i)(2)-(6) [~~(g)(2)-(6)~~] of this section:

(1) [~~the EPP, the campus or district personnel, and~~] the candidate must inform the EPP within 10 business days [~~each other within one calendar week~~] of the candidate's last day in the assignment; and

(2) the TEA must receive the certificate deactivation request with all related documentation from the EPP, in a format determined by the TEA, within 15 business days [~~two calendar weeks~~] of the candidate's last day of employment or within 15 business days from the date the EPP receives notification of the candidate's last day of employment [~~the assignment in a format determined by the TEA~~].

(k) [~~(i)~~] The EPP must communicate the requirements in subsection (j) [~~(h)~~] of this section to candidates and campus or district personnel prior to the assignment start date.

(l) [~~(j)~~] An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.

(m) [~~(k)~~] An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

(a) Under Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, clinical teaching, or residency.

(b) Under TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program (EPP) or while the person is enrolled in an EPP exempts the candidate [~~is exempt~~] from any clinical teaching, internship, residency, or field-based experience program requirement.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

(a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.

(b) A practicum may not take place exclusively during a summer recess.

(c) A two-year intern certificate [~~An intern~~] or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).

(d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:

(1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or

(2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.

(e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.

(f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

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 March 2, 2026.

TRD-202601054
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §228.71

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, en-

hanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.71. Exceptions to Clinical Teaching Requirement.

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 March 2, 2026.

TRD-202601056
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER F. SUPPORT FOR CANDIDATES DURING REQUIRED CLINICAL EXPERIENCES

19 TAC §§228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours

of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.91. Intern Mentor Teachers [~~Mentors~~], Cooperating Teachers, Host Teachers, and Site Supervisors.

(a) In order to support a new educator and to increase educator retention, an educator preparation program (EPP) and campus or district administrator shall collaboratively assign each candidate an intern mentor teacher [~~a mentor~~] during the candidate's internship, collaboratively assign a cooperating teacher during the candidate's clinical teaching experience, collaboratively assign a host teacher during the candidate's residency, and collaboratively assign a site supervisor during the candidate's practicum.

(b) For Preparing and Retaining Educators Through Partnership (PREP) routes [~~teacher residencies~~], the EPP and campus or district administrator shall share responsibility for selection of mentoring educators [~~host teachers~~], including determining specific selection criteria, development of a scoring rubric, and development of a selection process that involves representatives from the EPP and campus or district administration. The mentoring educator must agree to the assignment.

(c) For internships and practicums, the intern mentor teacher [~~mentor~~] or site supervisor must be assigned to the candidate within three weeks of the candidate's assignment start date. The EPP must not allow a candidate to be in an internship or practicum without an assigned intern mentor teacher [~~mentor~~] or site supervisor for longer than three weeks.

(d) If an individual who meets the certification category and/or experience criteria for a mentoring educator [~~cooperating teacher, mentor, host teacher,~~] or site supervisor is not available, the EPP and campus or district administrator shall collaborate to ensure an individual who most closely meets the criteria is assigned to the candidate, and the EPP must document the reason for selecting an individual that does not meet the criteria.

(e) The EPP is responsible for providing training to mentoring educators and site supervisors [~~mentor, cooperating teacher, host teacher, and/or site supervisor training~~] that relies on scientifically based research, and for mentoring educators, includes training in how to coach and mentor teacher candidates, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented in accordance with the evidence requirements of Figure: 19 TAC §228.13(f).

(f) Beginning September 1, 2027, mentoring educators who support candidates in PREP traditional, residency, and preservice alternative certification routes must meet the training requirement through completion of *Texas Mentorship Training* that is renewed at least one time every three years. Mentoring educators who support candidates in the 2027-2028 school year must have begun the *Texas Mentorship Training* before the start of the school year and must complete the entire training as required through the *Texas Mentorship Training* requirements by the end of the school year. Mentoring educators who complete *Texas Mentorship Training* satisfy the training requirement in subsection (e) of this section.

§228.93. Cooperating Teacher Qualifications and Responsibilities.

(a) Required qualifications of a cooperating teacher:

(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part 2 [~~II~~] of this title (relating to Commissioner's Rules on Creditable Years of Service [~~Teaching Experience~~]);

(2) an accomplished educator as shown by student learning;

(3) trained as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), including [~~by the educator preparation program, including training in co-teaching strategies and in how to coach and mentor teacher candidates,~~] during the twelve weeks before or three weeks after being assigned to the clinical teacher or pre-internship clinical teacher;

(4) not assigned to the candidate as an intern mentor teacher [~~a mentor~~], field supervisor, or site supervisor; and

(5) valid certification in the certification category for the clinical teaching assignment for which the clinical teacher or pre-internship clinical teacher candidate is seeking certification.

(b) Duties of a cooperating teacher:

(1) co-teach with the candidate, gradually releasing instructional responsibility and lead instruction time to the candidate;

(2) [~~(1)~~] guide, assist, and support the candidate during the candidate's clinical teaching in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and

(3) [~~(2)~~] report the candidate's progress to the candidate's field supervisor.

§228.95. Host Teacher Qualifications and Responsibilities.

(a) Required qualifications of a host teacher:

(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part 2 [~~II~~] of this title (relating to Commissioner's Rules on Creditable Years of Service [~~Teaching Experience~~]);

(2) an accomplished educator, as determined by the educator preparation program (EPP) in partnership with the district or campus administration, and shown by:

(A) at least three years of proficient or above proficient ratings on teacher evaluations;

(B) demonstrated evidence of positive impact on student learning as determined by a set of student growth and/or achievement data agreed upon by the partnership; and

(C) other dispositional criteria prioritized by the residency partnership;

(3) trained as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors) [~~by the EPP, including training in co-teaching strategies and how to coach and mentor teacher candidates,~~] at least twice per school year, including before or within the three weeks after being assigned as a host teacher;

(4) not assigned to the candidate as a field supervisor; and

(5) valid certification in the certification category for the residency assignment for which the residency candidate is seeking certification.

(b) Duties of a host teacher:

(1) co-teach with the residency candidate, gradually releasing instructional responsibility and lead instruction time to the candidate as specified in §228.65(b)(2) of this title (relating to Residency);

(2) guide, assist, give feedback to, and support the candidate during the candidate's residency in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and

(3) report the candidate's progress to the candidate's field supervisor at least monthly.

§228.97. Intern Mentor Teacher [~~Mentor~~] Qualifications and Responsibilities.

(a) Required qualifications of an intern mentor teacher [~~a mentor~~]:

(1) meet qualification requirements in §153.1305(b)(1) of Part 2 of this title (relating to Preparing and Retaining Educators Through Partnership Mentorship Program);

[~~(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);~~]

[~~(2) accomplishment as an educator as shown by student learning;~~]

(2) [~~(3)~~] not assigned to the candidate as a cooperating teacher, field supervisor, or site supervisor;

(3) [~~(4)~~] trained as a mentor as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), including [~~by the educator preparation program (EPP) or the campus or district, including training in how to coach and mentor teacher candidates,~~] during the twelve weeks before or three weeks after the candidate's assignment start date; and

(4) [~~(5)~~] valid certification in the certification category in which the internship candidate is seeking certification.

(b) Duties of an intern mentor teacher [~~a mentor~~]:

(1) guide, assist, and support the candidate throughout the entirety of the internship in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; [~~and~~]

(2) support candidates in the preservice alternative certification route according to the requirements described in Texas Education Code (TEC), §21.458(f), and further specified in §153.1305(b)(5) of Part 2 of this title;

(3) support candidates in the preservice alternative certification route and meet with the intern not less than 12 hours each semester as specified in TEC, §21.458(f); and

(4) [~~(2)~~] report the candidate's progress to the candidate's field supervisor.

§228.101. Field Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a field supervisor:

(1) accomplishment as an educator as shown by student learning; and

(2) not employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum; and

(3) trained by the educator preparation program (EPP) as a field supervisor; and

(4) for a supervisor of [~~residency~~] candidates in Preparing and Retaining Educators Through Partnership (PREP) routes, trained annually by the EPP in coaching and co-teaching strategies and candidate evaluation and participation in school and/or district trainings, as determined by the district partner; and

(5) has completed Texas Education Agency (TEA)-approved training as required in subsection (b)(1) of this section [~~or, for field supervisors supporting teacher candidates, is a currently certified Texas Teacher Evaluation and Support System (T-TESS) appraiser~~]; and

(6) not assigned to the candidate as an intern mentor teacher, host teacher [~~a mentor~~], cooperating teacher, or site supervisor; and

(7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of Part 2 of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, including:

(A) for a supervisor of classroom teacher and reading specialist candidates, experience as a campus-level administrator and a current certificate that is appropriate for a principal assignment may also supervise teacher and reading specialist candidates; and

(B) for a supervisor of principal candidates, experience as a district-level administrator and a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates; and either

(8) valid certification in the class in which supervision is provided; or

(9) at least a master's degree in the academic area or field related to the certification class for which supervision is being provided, and in compliance with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) for the certification class for which supervision is being provided.

(b) Duties of a field supervisor.[:]

(1) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained annually as a field supervisor by the EPP and completed TEA-approved field supervisor training at least every three years. Field supervisors who have completed TEA-approved training prior to September 1, 2025, must renew that training by September 1, 2027 [~~2026~~], and then renew the training at least one time per each three-year period thereafter. Field supervisors who have completed the TEA-approved training between September 2, 2025, and August 31, 2026, must renew that training by September 1, 2028, and then renew that training at least one time per each three-year period thereafter. Beginning September 1, 2027, for field supervisors supporting teacher candidates, valid Texas Teacher Evaluation and Support System (T-TESS) certification and other approved agency training focused on observation and coaching may count as a portion of TEA-approved field supervisor training. [~~Field supervisors who support teacher candidates and who maintain valid T-TESS certification are not required to renew TEA-approved field supervisor training.~~]

(2) The field supervisor must contact the assigned candidate within the first three weeks after the assignment start date for a candidate seeking certification as a classroom teacher and within the first quarter of the assignment for a candidate seeking certification in a class other than classroom teacher. The field supervisor must contact a candidate who is a late hire as defined in §228.2 of this title (relating to Definitions) within the first week after the candidate's assignment start date. Contact may be made by telephone, email, or other electronic communication.

(3) The field supervisor shall verify the candidate's internship placement within the first three weeks of the candidate's internship assignment and shall notify the EPP if the internship placement does not meet the requirements of this chapter, including assignment of a qualified intern mentor teacher [~~mentor~~].

(4) Field supervisors shall conduct observations of candidates as described in §§228.103 of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 of this title (relating to Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments), 228.109 of this title (relating to Formal Observations for Candidates in Internship Assignments), 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides), 228.113 of this title (relating to Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12), 228.115 of this title (relating to Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12 Certification), and 228.117 of this title (relating to Support and Formal Observations for Candidates Other Than Classroom Teacher).

(5) With the exception of candidates who are late hires and candidates completing internships through the preservice alternative certification route as defined in §228.2 of this title, field supervisors of candidates in clinical teaching, internship, and practicum assignments shall provide informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following:

(A) at least three informal observations that are 15 minutes or more in duration per semester of a [~~the internship,~~] clinical teaching[,] or practicum assignment; or

(B) at least two informal observations that are 15 minutes or more in duration per semester of an internship assignment.

(C) [~~(B)~~] The [~~the~~] first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous.[;]

(D) [~~(C)~~] Informal [~~informal~~] observations of practicum candidates may be virtual, either synchronous or asynchronous.[;]

(E) [~~(D)~~] Informal observations are informed by written feedback provided during post-observation conferences and include observation and feedback on targeted skills.[; ~~and~~]

[~~(E) include observation and feedback on targeted skills.~~]

(6) Field supervisors shall [~~must~~] provide to a candidate who is a late hire, as defined in §228.2 of this title and in §228.55 of this title (relating to Late Hire Candidates), informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following: [~~as required in subsection (b)(5) of this section. Two of the required informal observations must be provided within the first eight weeks of the candidate's assignment start date and both informal observations must be in-person.~~]

(A) at least three informal observations that are 15 minutes or more in duration per each half of the internship;

(B) the first two informal observations must occur within the first eight weeks of the internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous;

(C) are informed by written feedback provided during post-observation conferences; and

(D) include observation and feedback on targeted skills.

(7) Field supervisors of candidates in residency assignments shall provide informal observations and ongoing coaching that, at a minimum, include the following:

(A) at least four in-person [~~in person~~] informal observations that are 15 minutes or more in duration per semester, totaling at least eight observations over the course of the year-long teacher residency placement. The first informal must occur within the first four weeks of the residency placement;

(B) are informed by written feedback provided during post-observation conferences; and

(C) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill.

(8) Field supervisors of candidates completing requirements in the preservice alternative certification route shall provide

informal observations and ongoing coaching that, at a minimum, include the following:

(A) at least three face-to-face informal observations that are at least 15 minutes in duration throughout the pre-internship clinical teaching experience as described in §228.68 of this title (relating to Pre-internship Clinical Teaching). The informal observations must:

(i) be conducted using a rubric designed for that purpose and that measures candidate readiness aligned with the skills described in §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates); and

(ii) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill; and

(B) at least four informal observations that are at least 15 minutes in duration during the internship as described in §228.73 of this title (relating to Internship).

(i) At least two informal observations must be conducted in each half of the internship.

(ii) The first informal observation must occur within the first six weeks of the internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous.

(iii) Informal observations are informed by written feedback provided during post-observation conferences.

(iv) Informal observations include observation and feedback on targeted skills.

(9) [~~(8)~~] For candidates participating in an internship, the field supervisor shall provide a copy of all written feedback to the candidate's supervising campus administrator and assigned intern mentor teacher [~~mentor~~]. For candidates participating in a residency, the field supervisor shall provide a copy of all written feedback to the candidate's host teacher and campus supervisor. For candidates participating in clinical teaching or pre-internship clinical teaching, the field supervisor shall provide a copy of all written feedback to the candidate's cooperating teacher.

(10) [~~(9)~~] In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher at least three times throughout the clinical teaching experience.

(11) In a pre-internship clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher regularly throughout the clinical teaching experience.

(12) [~~(10)~~] For a residency, the field supervisor shall collaborate with the candidate, campus supervisor, and the host teacher throughout the residency, including regular meetings and/or collaborative supports at least three times each semester with the campus supervisor and twice monthly with the host teacher. Meetings may be held virtually, and collaborative supports may include but are not limited to co-observation of candidates, co-coaching of candidates, and calibration for inter-rater reliability.

(13) [~~(11)~~] For an internship, the field supervisor shall collaborate with the candidate and campus supervisor, or their designee, at least twice per semester. Collaboration may include but is not limited to co-observations (formal and informal), post-observation collaborative coaching, collaborative goal setting, or the provision of actionable feedback related to collaboratively established goals.

(14) [~~(12)~~] For non-teacher candidates in a practicum, the field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

(a) Educator preparation programs shall ensure that the field supervisor conducts formal observations of the candidates completing a clinical experience or a pre-internship clinical teaching experience.

(b) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.

(c) Each formal virtual observation must be:

(1) at least 45 minutes in length;

(2) conducted by the field supervisor;

(3) followed by a post-observation conference within 72 hours of the educational activity; and

(4) conducted through use of an unedited electronic transmission, video, or technology-based method.

(d) For each formal observation, whether in-person or virtual, the field supervisor shall:

(1) participate in an individualized pre-observation conference with the candidate;

(2) document educational practices observed;

(3) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and

(4) provide a copy of the written feedback to the candidate's mentoring educator [~~cooperating teacher or mentor~~].

(e) Neither the pre-observation conference nor the post-observation conference needs to be onsite.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments.

(a) An educator preparation program (EPP) must provide the first formal observation within the first third of all clinical teaching assignments.

(b) For a clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.

(c) For an all-level clinical teaching assignment in more than one district [~~location~~] or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of each assignment and a minimum of one formal observation must be provided during the second half of each assignment.

(d) For a clinical teaching assignment:

(1) at least two of the minimum formal observations must be in-person for each assignment; and

(2) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addi-

tion to the two minimum formal in-person observations for each assignment.

(e) For a pre-internship clinical teaching assignment described in §228.68 of this title (relating to Pre-internship Clinical Teaching), an EPP must provide a minimum of one formal observation during the assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

(a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all internship assignments. The first formal observation must be conducted in-person.

(b) For an alternative certification candidate completing a full school year internship [~~under an intern certificate~~] or an additional internship due to an unsuccessful first internship as allowed in §228.73 of this title (relating to Internship) under a two-year intern certificate described in §228.73 of this title [~~(relating to Internship)~~]:

(1) an EPP must provide a minimum of two [~~three~~] formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and

(2) at least two [~~three~~] of the minimum formal observations must be in-person.

(c) For a late hire candidate completing a full school year internship or an additional internship due to an unsuccessful first internship as allowed in §228.73 of this title under a two-year intern certificate described in §228.73:

(1) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the second half of the internship; and

(2) at least three of the minimum formal observations must be in-person.

[~~(c) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title:~~]

[~~(1) an EPP must provide a minimum of three formal observations during the first half of the assignment, and a minimum of two formal observations during the second half of the assignment; and~~]

[~~(2) at least two of the minimum formal observations must be in-person.~~]

(d) If an internship under a two-year [~~an~~] intern certificate or an additional internship due to an unsuccessful first internship described in §228.73 of this title involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (b) of this section for the first certification category and provide a minimum of two formal [~~three~~] observations for [~~in~~] each additional certificate category [~~assignment~~];

(2) for each additional certificate category [~~assignment~~], the EPP must provide at least one [~~two~~] formal observation [~~observations~~] during the first half of the internship and one formal observation during the second half of the internship;

(3) at least two of the minimum formal observations must be in-person for each additional certificate category [~~assignment~~]; and

(4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each additional certificate category [~~assignment~~].

(e) For a candidate completing an internship while holding an intern with preservice certificate through a preservice alternative certification program:

(1) an EPP must provide a minimum of two formal observations during the first half of the internship and a minimum of two formal observations during the second half of the internship; and

(2) at least two of the formal observations conducted during the internship must be in-person.

[~~(e) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:~~]

[~~(1) an EPP must provide a minimum of three observations in each assignment;~~]

[~~(2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;~~]

[~~(3) at least two of the minimum formal observations must be in-person for each assignment; and~~]

[~~(4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.~~]

(f) For a candidate completing an internship while holding an intern with preservice certificate through a preservice alternative certification program described in §228.73 of this title, that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (e)(2) and (3) of this section for the first certificate category;

(2) an EPP must provide a minimum of two formal observations in each additional certificate category during the internship;

(3) for each additional certificate category, the EPP must provide at least one formal observation during the first half of the internship and one formal observation during the second half of the internship; and

(4) at least two of the minimum formal observations must be in-person for each additional certificate category.

(g) For a candidate completing an internship or internship extension as described in §228.73 of this title under a probationary certificate:

(1) an EPP must provide a minimum of three formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment; and

(2) at least two of the minimum formal observations must be in-person.

(h) If an internship as described in §228.73 of this title under a probationary certificate involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (g) of this section for the first certificate category and provide a minimum of two formal observations in each additional certificate category;

(2) for each additional certificate category, the EPP must provide at least one formal observation during the first half of the in-

ternship and one formal observation during the second half of the internship; and

(3) if an EPP chooses to provide formal virtual observations, one of the formal observations for each additional certificate category may be performed virtually.

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 March 2, 2026.

TRD-202601057
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 230. PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, concerning professional educator preparation and certification. The proposed amendments would update current rule language to implement provisions from House Bill (HB) 2 and HB 1178, 89th Texas Legislature, Regular Session, 2025, and include proposed edits previously discussed by the SBEC.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter E, Educational Aide Certificate, define the three levels of certification and provide general guidance and requirements for certificate issuance. The SBEC rules in 19 TAC Chapter 230, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, define certification requirements for out-of-state individuals.

HB 2, 89th Texas Legislature, Regular Session, 2025, is a comprehensive school finance bill that supports students and infuses more dollars and resources into Texas public schools, providing critical support in key areas, including educator preparation. HB 1178, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to establish and immediately issue a temporary certificate for educators certified by other states who apply for a Texas certificate issued under provision of TEC, §21.052.

The following proposed amendments to 19 TAC Chapter 230, Subchapters D, E, and H, are intended to support the implementation of applicable statutory requirements and align, where appropriate, with proposed revisions to 19 TAC Chapter 227 and Chapter 228. This proposal also includes technical edits to conform to Texas Register style requirements.

Subchapter D, Types and Classes of Certificates Issued

§230.36. Intern Certificate.

The proposed amendment to §230.36(c)(3) would update information related to the term of an intern certificate to specify that, for assignments beginning with the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, and candidates pursuing certification in non-teacher classes.

The proposed amendment to §230.36(c)(4)(A) and (B) would strike current language that limits the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The proposed amendment to §230.36(e) would strike the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for intern certificate issuance.

The proposed amendment to §230.36(e)(2)(B) would update the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in educator preparation programs (EPPs).

Proposed new §230.36(f) would exclude current language specific to intensive preservice and replace it with language for the new intern with preservice certificate specified in HB 2. Proposed new subsection (f) would also align with additional information about the new preservice certification route, created by HB 2, outlined in the proposed changes to Chapter 228.

§230.37. Probationary Certificate.

The proposed amendment to §230.37(c)(4)(A) and (B) would strike current language that limits the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The proposed amendment to §230.37(e) would strike the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for probationary certificate issuance.

The proposed amendment to §230.37(e)(2)(B) would update the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in EPPs.

The proposed amendment to §230.37(f) would strike in its entirety the text related to a probationary certificate for intensive preservice.

Subchapter E, Educational Aide Certificate

§230.53. Procedures in General.

Proposed new §230.53(f) would add language to allow issuance of the Educational Aide I certificate to high school students who may be younger than 18 years of age and meet all requirements for issuance of an industry-based certification. TEA staff worked closely with agency colleagues responsible for the College, Career, and Military Readiness (CCMR) initiatives on the proposed changes specific to the educational aide certificate. The proposal would be limited to Subchapter E to avoid confusion in the field and ensure that changes are codified in the rule chapter specific to the certificate being discussed.

Proposed new §230.53(g) and (h) would accommodate updates made to former subsections (f) and (g) based on the addition of proposed new subsection (f). No additional changes are proposed for this section of the rules.

§230.55. Certification Requirements for Educational Aide I.

The proposed amendment to §230.55(3) would strike the reference to "18 years of age or older" to reflect that high school students younger than 18, who meet all requirements to qualify for an industry-based certification, would be eligible for recommendation by a district for issuance of an Educational Aide I certificate. These students would be subject to the completion of fingerprinting and criminal history background check processes prior to being eligible for SBEC certificate issuance.

Proposed new §230.55(4) would strike current language in its entirety and replace with language that mirrors CCMR requirements for all other industry based-certifications since the CCMR indicator to grant a district credit toward its accountability ratings is the high school student being a program of study completer plus the aligned and earned industry based certifications (IBC), specifically the Educational Aide I certificate issued by the SBEC. The proposal would update the list of applicable courses to maintain clarity in the field and to ensure that districts and students have the guidance needed to positively contribute to and benefit from the IBC certification process.

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

§230.111. General Provisions.

The proposed amendment to §230.111(a) would add the words "a valid" to align with language specified in HB 1178 that requires educators certified outside of Texas to have a valid, current license issued by another state department of education at the time that they apply to TEA for a review of their out-of-state credentials.

The proposed amendment to §230.111(c) would add "an expired certificate" to the list of credentials that cannot be accepted from educators certified outside of Texas and reinforce language specified in HB 1178 to ensure that all individuals transferring to Texas hold a valid, current certificate at the time of their application submission to TEA for a review of their out-of-state credentials.

The proposed amendment to strike §230.111(d) would align with language specified in HB 1178 that requires educators certified outside of Texas to present a valid, current certificate as part of their application submission to TEA for a review of out-of-state credentials.

Proposed new §230.111(d) and (e) would reorganize former subsections (e) and (f) based on the proposed deletion of current subsection (d). No additional changes are proposed for this section of the rules.

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

The proposed amendment to §230.113(b) would add language to specify that the one-year certificate can be issued immediately following the successful completion of the out-of-state credentials review and the fingerprinting and background check processes.

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

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

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

COST INCREASE TO REGULATED PERSONS: While the proposal imposes a cost on regulated persons, it is not subject to TGC, §2001.0045, because the proposal is necessary to implement legislation. The proposal does not impose a cost on another state agency, a special district, or a local government.

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by requiring individuals certified in other states to renew any certificates that may have lapsed, prior to being eligible to begin the transfer of certification from another state to Texas and, thereby, restricting the ability for a timely review of out-of-state credentials.

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, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is an anticipated economic cost to persons who are required to comply with the proposal if their license to teach in other states is not current at the time of initiating the out-of-state credentials review process in Texas. HB 1178 requires the SBEC to ensure that certified educators in other states interested in transferring to Texas must hold a valid, unexpired, non-temporary certificate or similar credential in another state that qualifies the person to be employed as an educator in that state. Because certificate renewal costs vary from state to state, ranging anywhere from $22 to $200, TEA staff used $50 as the base cost for certificate renewal. TEA staff reviewed 1,095 applications submitted in the fourth quarter of Fiscal Year (FY) 2024 and the first quarter of FY 2025. Of those 1,095 applications, 959 out-of-state certificates submitted were currently active, representing 88% of the total number reviewed, and 136 were currently expired, representing 12% of the total number reviewed. TEA staff monitored applications the rest of the FY and, as a result, TEA staff estimates a cost of $3,400 per year for FYs 2026-2030. The estimate reflects a $50 certificate renewal cost for 68 certificates that may need to be renewed each FY.

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER D. TYPES AND CLASSES OF CERTIFICATES ISSUED

19 TAC §230.36, §230.37

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.064, which states that the SBEC shall recognize a master teacher certificate until expiration and that the master teacher certificate is not eligible for the teacher incentive allotment; and TEC, §22.0831(c) and (f), which require the SBEC to review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041; 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.051; 21.064; and 22.0831(c) and (f).

§230.36. Intern Certificates.

(a) General provisions.

(1) Certificate classes. An intern certificate may be issued for any class of certificate except educational aide.

(2) Requirement to hold an intern certificate. A candidate seeking certification as an educator must hold an intern certificate while participating in an internship through an approved educator preparation program (EPP).

(b) Requirements for issuance. An intern certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.

(1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.

(2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).

(3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

(c) Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions.

(1) Internship. The holder of an intern certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.

(2) Inactive status. An intern certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of an intern certificate may be reactivated if the holder satisfies the requirements specified in this section.

(3) Term of an intern certificate. An intern certificate shall be valid for one 12-month period from the date of issuance. Beginning with assignments for the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, as specified in §228.73 of this title (relating to Internship) and §228.55 of this title (relating to Late Hire Candidates), and candidates pursuing certification in non-teacher classes.

(4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:

(A) intern certificates, [~~limited to one 12-month period maximum,~~] as described in this subsection;

(B) probationary certificates, [~~limited to two 12-month periods maximum,~~] as specified in §230.37 of this title (relating to Probationary Certificates)

(C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or

(D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).

(5) Reduction in force exception. If an educator is employed under an intern certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that intern term shall not count as one of the three years referenced in paragraph (4) of this subsection.

(d) Testing requirements for issuance of an intern certificate. Beginning September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of an intern certificate to serve an internship in a classroom teacher assignment for each subject area to be taught.

(1) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a classroom teacher assignment on or after September 1, 2017, a candidate must pass all of the appropriate content pedagogy examinations, as prescribed in Subchapter C of this chapter (relating to Assessment of Educators).

(2) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience on or after September 1, 2017, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) and pass the appropriate content pedagogy examination(s), as prescribed in Subchapter C of this chapter [~~(relating to Assessment of Educators)~~].

(e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, [~~master teacher,~~] school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.

(1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.

(2) The individual must have also been:

(A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and

(B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.63 of this title (relating to Locations for Required Clinical Experiences) [~~§228.35 of this title (relating to Preparation Program Coursework and/or Training)~~], other school approved by the TEA.

(3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.

(4) The following provisions apply to the intern certificate for Principal as Instructional Leader.

(A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.

(B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter.

(f) Intern with preservice certificate for preservice alternative certification. An intern with a preservice certificate may be issued to an applicant who is admitted to an EPP preservice alternative certification program as prescribed in §228.73 of this title, who:

(1) obtained a passing score on the required content pedagogy examination(s) as identified in Figure: 19 TAC §230.21(e) of this title (relating to Educator Assessment);

(2) completed preservice requirements through an EPP as identified in §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates);

(3) completed the pre-internship clinical teaching requirement as described in §228.68 of this title (relating to Pre-internship Clinical Teaching); and

(4) met the requirements as prescribed in subsections (a)-(c) of this section.

[~~(f) Intern certificate for intensive pre-service. An intern certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:~~]

[~~(1) obtained a passing score on the aligned pedagogical rubric specified in §228.33 of this title;~~]

[~~(2) obtained a passing score, in accordance with §151.1001 of this title (relating to Passing Standards), on the required content certification (subject-matter only) examination and the following additional requirements for special education and bilingual assignments;~~]

[~~(A) Special education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Special Education Supplemental examination prescribed in §230.21(e) of this title (relating to Educator Assessment); and~~]

[~~(B) Bilingual education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Bilingual Target Language Proficiency examination or the related language proficiency examination prescribed in §230.21(e) of this title; and~~]

[~~(C) English as Second Language (ESL) assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES ESL Supplemental examination or the related language proficiency examination prescribed in §230.21(e) of this title; and~~]

[~~(3) met the requirements as prescribed in subsections (a)-(c) of this section.~~]

§230.37. Probationary Certificates.

(a) General provisions.

(1) Certificate classes. A probationary certificate may be issued for any class of certificate except educational aide.

(2) Requirement to hold a probationary certificate. A candidate seeking certification as an educator must hold a probationary certificate while participating in an internship through an approved educator preparation program (EPP).

(b) Requirements for issuance. A probationary certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.

(1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation of all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.

(2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).

(3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

(c) Conditions. The validity and effectiveness of a probationary certificate is subject to the following conditions.

(1) Internship. The holder of a probationary certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.

(2) Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of a probationary certificate may be reactivated if the holder satisfies the program enrollment and school assignment requirements specified in §228.35 of this title (relating to Substitution of Applicable Experience and Training) [~~Preparation Program Coursework and/or Training~~].

(3) Term of a probationary certificate. A probationary certificate shall be valid for a 12-month period from the date of issuance.

(4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:

(A) intern certificates, [~~limited to one 12-month period maximum,~~] as described in this subsection;

(B) probationary certificates, [~~limited to two 12-month periods maximum,~~] as described in this subsection;

(C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or

(D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).

(5) Reduction in force exception. If an educator is employed under a probationary certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that probationary term shall not count as one of the two allowed annual probationary terms.

(d) Testing requirements for issuance of a probationary certificate.

(1) Prior to September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of a probationary certificate to serve an internship in a classroom teacher assignment for each subject area to be taught:

(A) At the elementary school level, by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators), appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).

(B) At the middle or high school level:

(i) by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title; or

(ii) by completing coursework that complies with the TEC, §21.050, and comprised of not fewer than 24 semester credit hours, including 12 semester credit hours of upper division coursework in the subject area(s) taught; or

(iii) in the case of career and technical education assignments based on skill and experience, by satisfying the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

(C) A candidate who is the teacher of record in a special education assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate special education certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the special education supplemental examination prior to the beginning of an internship, an EPP may permit the internship assignment if:

(i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination; and

(ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examinations requirements are not met.

(D) A candidate who is in a bilingual education and/or English as a Second Language (ESL) assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate bilingual education and/or ESL certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the

bilingual education supplemental examination, ESL supplemental examination, or the Bilingual Target Language Proficiency test prior to the beginning of an internship, an EPP may permit the internship if:

(i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination(s); and

(ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examination requirements are not met.

(2) Beginning September 1, 2017, a candidate must meet all testing requirements for issuance of a probationary certificate.

(A) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a classroom teacher assignment, a candidate must pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.

(B) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title and pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.

(e) Probationary certificate in a certification class other than classroom teacher. A probationary certificate may be issued for an assignment as a superintendent, principal, reading specialist, [~~master teacher,~~] school librarian, school counselor, and/or educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.

(1) An applicant for a probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.

(2) The individual must have also been:

(A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and

(B) assigned in the certificate category being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.63 of this title (relating to Locations for Required Clinical Experiences) [~~§228.35 of this title~~], other school approved by the TEA.

(3) Effective September 1, 2017, to meet the subject matter requirements for issuance of the probationary certificate in a certification class other than classroom teacher, the individual must pass the appropriate content pedagogy examination(s) for that certificate.

(4) The holder of a probationary certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.

[~~(f) Probationary certificate for intensive pre-service. A probationary certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:~~]

[~~(1) meets the applicable requirements prescribed in subsections (a)-(e) of this section;~~]

[~~(2) has met requirements of §230.36(f) of this title; and~~]

[~~(3) has obtained a passing score, in accordance with 19 TAC §151.1001 of this title (relating to Passing Standards), on the required content pedagogy tests prescribed in §230.21(e) of this title (relating to Educator Assessment).~~]

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 March 2, 2026.

TRD-202601041
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER E. EDUCATIONAL AIDE CERTIFICATE

19 TAC §230.53, §230.55

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.041, which authorizes the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §21.041.

§230.53. Procedures in General.

(a) School district administrators have the authority and responsibility to determine the number of educational aides and level of job performance desired for the operation of the school district. The school district administrator is responsible for preparing accurate job descriptions for each assignment, classifying each assignment, and filling these assignments with individuals certified according to this subchapter.

(b) An appropriate educational aide certificate shall be issued to a qualified individual who is recommended by the employing superintendent or his or her designee and who meets the requirements of this subchapter. The school district shall submit a completed application and recommendation for an educational aide certificate to Texas Education Agency [~~(TEA)~~] staff. The applicant shall pay the designated fee.

(c) The applicant for an educational aide certificate must be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication as determined by the employing school district.

(d) An individual with experience in other states must have that experience verified on a teacher service record when he or she is employed in a Texas school district.

(e) An applicant for an educational aide certificate is subject to the provisions in §230.11(b)(1)-(4) of this title (relating to General Requirements).

(f) A high school student referenced in §230.55(3) of this title (relating to Certification Requirements for Educational Aide I) may have an exception to the 18 years of age requirement in §230.11(b)(1) of this title and be eligible for issuance of an Educational Aide I certificate, for the purposes of industry-based certification, if the district determines the high school student meets requirements specified in §230.55(3) and (4) of this title.

(g) [(f)] An individual who holds a valid Texas classroom teaching certificate may serve as an educational aide without obtaining an educational aide certificate.

(h) [(g)] An individual seeking a higher level of educational aide certificate must submit a completed online application and payment and be recommended for issuance at the higher level by the employing school district.

§230.55. Certification Requirements for Educational Aide I.

An applicant for an Educational Aide I certificate shall meet the requirements in either paragraphs (1) and (2) of this section or paragraphs (3) and (4) of this section as follows:

(1) hold a high school diploma, the equivalent of a high school diploma, or higher; and

(2) have experience working with students or parents as approved by the employing superintendent. Experience may be work in church-related schools, day camps, youth groups, private schools, licensed daycare centers, or similar experience; or

(3) be a high school student [18 years of age or older]; and

(4) be a program of study completer (three or more courses for four or more credits from the list of courses in subparagraphs (A)-(H) of this paragraph, with at least one course being a Level 3 or Level 4 course) with credits verified by the district in which the credits were earned. The courses must include:

(A) Principles of Education and Training; or

(B) Human Growth and Development; or

(C) Child Development; or

(D) Child Guidance; or

(E) Communication and Technology in Education; or

(F) Instructional Practices; or

(G) Practicum in Education and Training; or

(H) Practicum in Early Learning.

[(4) have a final grade of 70 or better in two or more education and training courses specified in Chapter 127, Subchapter G, of Part 2 of this title (relating to Education and Training) for three or more credits verified in writing by the superintendent of the district in which the credits were earned. The education and training courses must include:]

[(A) Human Growth and Development, as described in §127.311 of Part 2 of this title (relating to Human Growth and Development (One Credit), Adopted 2015); or]

[(B) Child Development, as described in §127.317 of Part 2 of this title (relating to Child Development (One Credit), Adopted 2021); or]

[(C) Child Guidance, as described in §127.318 of Part 2 of this title (relating to Child Guidance (Two Credits), Adopted 2021); or]

[(D) Practicum in Early Learning, as described in §127.320 of Part 2 of this title (relating to Practicum in Early Learning (Two Credits), Adopted 2021); or]

[(E) Human Growth and Development, as described in §127.323 of Part 2 of this title (relating to Human Growth and Development (One Credit), Adopted 2021); or]

[(F) Communication and Technology in Education, as described in §127.324 of Part 2 of this title (relating to Communication and Technology in Education (One Credit), Adopted 2021); or]

[(G) Instructional Practices, as described in §127.325 of Part 2 of this title (relating to Instructional Practices (Two Credits), Adopted 2021); or]

[(H) Practicum in Education and Training, as described in §127.326 of Part 2 of this title (relating to Practicum in Education and Training (Two Credits), Adopted 2021).]

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 March 2, 2026.

TRD-202601042
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER H. TEXAS EDUCATOR CERTIFICATES BASED ON CERTIFICATION AND COLLEGE CREDENTIALS FROM OTHER STATES OR TERRITORIES OF THE UNITED STATES

19 TAC §230.111, §230.113

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.040(4), which requires the State Board for Educator Certification (SBEC) to develop and implement policies that clearly define the respective responsibilities of the board and the board's staff; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching Prekindergarten-Grade 6 must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.052(a)-(e), which outline the requirements and conditions under which the SBEC may issue a certificate to an educator who applies for a certificate and holds comparable credentials in another state or country; and TEC, §21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to establish a temporary certificate for immediate issuance to eligible educators licensed outside the state.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.040(4); 21.041; 21.048; 21.052(a)-(e); and 21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025.

§230.111. General Provisions.

(a) A Texas educator certificate may be issued to an individual who holds a college degree and a valid, [~~an~~] acceptable certificate or credential issued by the authorized licensing agency in another state or territory of the United States and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and elsewhere in this subchapter.

(b) The degree held by an applicant from another state or territory of the United States must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education.

(c) The certificate or other credential issued by the authorized licensing agency in another state or territory of the United States may not be an expired certificate, a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. [~~Specific examination or renewal requirements shall not be considered academic deficiencies.~~]

[~~(d) A statement or approval letter issued by the authorized licensing agency in another state or territory of the United States specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.~~]

(d) [~~(e)~~] The certificate and areas of certification issued by the authorized licensing agency in another state or territory of the United States must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificates submitted with the application for review of credentials, the Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.

(e) [~~(f)~~] If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

(a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must:

(1) pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment);

(2) achieve an acceptable level of performance on an examination(s) that has been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States; or

(3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).

(b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. The one-year certificate is issued immediately following the successful completion of the credentials review and the fingerprinting and background check processes. An applicant who holds only a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Certification as Principal); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.

(c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).

(d) An applicant issued a one-year certificate under this section who does not complete the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate, is not eligible for any type of certificate or permit authorizing employment for the same certificate until he or she has satisfied the appropriate examination requirements. If examination requirements are not met during the validity period of the one-year certificate due to circumstances beyond the control of the educator, the employing school district may request an extension not to exceed one calendar year in length.

(e) An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate and may not be added to a one-year certificate.

(f) An applicant issued a one-year certificate under this section who, during or subsequent to the validity of the certificate, establishes eligibility for a standard certificate may apply for:

(1) a new one-year certificate in another certification area based on an acceptable certificate from another state or territory of the United States; or

(2) a second one-year certificate in an area previously authorized on a one-year certificate provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

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 March 2, 2026.

TRD-202601044

Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 247. EDUCATORS' CODE OF ETHICS

19 TAC §247.2

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §247.2, concerning the code of ethics and standard practices for Texas educators. The proposed amendment would implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impact the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics, which need to be updated based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following proposed amendment to §247.2 incorporates both SBEC and stakeholder input. This proposal also includes technical edits to update statutory citations and conform to Texas Register style requirements.

§247.2. Code of Ethics and Standard Practices for Texas Educators

Proposed new §247.2(1)(N) would align the Educators' Code of Ethics to Texas Education Code (TEC), §11.005, and incorporate the prohibitions on diversity, equity, and inclusion duties.

Proposed new §247.2(1)(O) would align the Educators' Code of Ethics to TEC, §11.401, and incorporate the prohibitions on assistance with social transitioning.

Proposed new §247.2(1)(P) would align the Educators' Code of Ethics to TEC, §28.0043, and incorporate the restrictions on instruction regarding sexual orientation and gender identity.

Proposed new §247.2(1)(Q) would align the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Proposed new §247.2(1)(R) would add a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The proposed amendment to §247.2(3)(H) would update the definition of appropriate educator student boundaries to include physical proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or making efforts to gain access alone with the student with no discernible purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges.

The proposed amendment to §247.2(3)(I) would update the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC,

§22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20

USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§247.2. Code of Ethics and Standard Practices for Texas Educators.

Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

(B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records[,] or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

(J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

(K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

(L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

(M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

(N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

(O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

(P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

(Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

(R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

(i) described by TEC, §22A.201(a); or

(ii) directly related to student behavior or school property.

(2) Ethical Conduct Toward Professional Colleagues.

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who

provides information for a disciplinary investigation or proceeding under this chapter.

(H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

(3) Ethical Conduct Toward Students.

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

(C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

(E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

(H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernable professional purpose;

(iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(v) showing favoritism or isolation through gifts, rewards, or privileges.

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(i) the nature, purpose, timing, and amount of the communication;

(ii) the subject matter of the communication;

(iii) whether the communication was made openly, or the educator attempted to conceal the communication;

(iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(v) whether the communication was sexually explicit; [~~and~~]

(vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and[~~.~~]

(vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

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 March 2, 2026.

TRD-202601043
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 249. DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52, concerning enforcement actions and guidelines and temporary suspensions. The proposed revisions would implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impact the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 249 establish the minimum sanctions for violations of SBEC rules and the practice procedures for SBEC contested case proceedings, which need to be updated based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 249. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education

Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following proposed revisions to 19 TAC Chapter 249, Subchapters B and F, incorporate both SBEC and stakeholder input. This proposal also includes technical edits to update statutory citations and conform to Texas Register style requirements.

Subchapter B, Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

The proposed amendment to §249.14(d) would update the reporting requirements for superintendents and directors to reflect the statutory changes in SB 571. This includes the requirement to report within 48 hours, physical mistreatment of a student regardless of bodily injury, the requirement to report inappropriate communications, failure to maintain appropriate boundaries, and the requirement to report when the superintendent or director becomes aware of evidence that misconduct occurred.

The proposed amendment to §249.14(e) would update the reporting requirement for a principal to notify a superintendent or director to no later than 48 hours to reflect the statutory changes in SB 571.

§249.17. Decision-Making Guidelines.

The proposed amendment to §249.17(d)(1) would update the good cause factors for contract abandonment, including an update to the factor in subparagraph (B), which provides for good cause due to relocation of an educator or an educator's spouse because of a change in employers or location of employment, and other minor language changes required by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

The proposed amendment to §249.17(l) would add a minimum sanction for a violation of TEC, §22A.055(f), of no less than a three-year suspension.

Additional technical edits were made to subsections (j) and (i) to update statutory citations to reflect legislative changes made by SB 571.

Subchapter F, Temporary Suspensions

Proposed new Subchapter F would provide rules related to temporary suspensions, as required by SB 571.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

Proposed new §249.51 would add a definition for continuing and imminent threat to the public welfare for purposes of temporary suspensions to reflect legislative changes made by SB 571.

Proposed new §249.51(a) would provide that if the SBEC or a committee designated by the SBEC has reason to believe that an educator is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as possible in accordance with TEC, §22A.202.

Proposed new §249.51(b) would define continuing and imminent threat to the public welfare as a real danger to students or the public from acts or omissions of the educator, which includes solicitation, engagement of a romantic relationship, abuse, neglect, consideration of whether the harm alleged is more than abstract, hypothetical or remote, may include both actions and inactions of the educator, consideration of whether the conduct occurred on or off a school campus and whether there have been prior complaints, investigations, or discipline of the same or similar nature against the educator.

§249.52. Process for Temporary Suspension of a License or Permit.

Proposed new §249.52 would create the process for temporary suspensions under TEC, §22A.202 and §22A.203, to reflect legislative changes in SB 571.

Proposed new §249.52(a) would provide that the SBEC shall appoint a five-member temporary suspension committee. It would also provide that in the event of the recusal of a member of the committee or the inability of a committee member to attend a temporary suspension proceeding, the SBEC chair may appoint an alternate member.

Proposed new §249.52(b) would provide that a with-notice hearing may include the presentation of evidence, deliberations, and an announcement of the committee's decision. It would also provide that notice for a with-notice hearing must be sent to the respondent no less than 10 days before the hearing via electronic mail, but if the electronic mail is returned as undeliverable, the notice will be sent via certified mail.

Proposed new §249.52(c) would provide that evidence at a temporary suspension proceeding be under the relaxed standard in Texas Government Code (TGC), §2001.081.

Proposed new §249.52(d) would provide that if a majority of the committee votes to temporarily suspend a license or a permit, the suspension shall have an immediate effect and that the committee chair will sign an order that will be sent to the respondent via electronic mail or first-class mail.

Proposed new §249.52(e) would provide that a certificate or permit may be suspended without notice to the respondent under TEC, §22A.202(c), if at the time of the suspension, agency staff initiates proceedings at State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as practicable under TEC, Chapter 22A, and TGC, Chapter 2001.

Proposed new §249.52(f) would provide that agency staff shall serve notice of a probable cause on a respondent in accordance with SOAH's rules. This amendment would also provide that a respondent may request a continuance of or waive a probable cause hearing and if the administrative law judge (ALJ) grants the continuance or respondent waives the hearing, the suspension remains in effect.

Proposed new §249.52(g) would provide that at a probable cause hearing an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

Proposed new §249.52(h) would provide that SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension date or the date of the final disposition as required by TEC, §22A.202 and §22A.203. This new rule would also provide that at this hearing, staff may present evidence of any additional violations related to the respondent.

Proposed new §249.52(i) would provide that staff would send notice of the final hearing in accordance with SOAH's rules and that the respondent may request a continuance or waive the final hearing.

Proposed new §249.52(j) would provide that after the final hearing, the ALJ shall issue a proposal for decision on the suspension and the proposal for decision may address any additional violations.

Proposed new §249.52(k) would provide that for purposes of a suspension under TEC, §22A.203, a final disposition of a criminal case includes evidence of a final, non-appealable conviction; an acceptance and entry of a plea agreement; a dismissal; an acquittal; or a successful completion of deferred adjudication.

Proposed new §249.52(l) would provide that a temporary suspension takes effect immediately and remains in effect until a final or superseding order of the committee or SBEC is entered; the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or the ALJ issued an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER B. ENFORCEMENT ACTIONS AND GUIDELINES

19 TAC §249.14, §249.17

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher

employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session,

2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

(a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.

(b) Complaints against an educator, applicant, or examinee must be filed in writing.

(c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.

(d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within 48 hours [~~seven business days~~] of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances[~~, except if the person is a superintendent or director of a public school and has completed an investigation in accordance with Texas Education Code (TEC), §21.006(c-2), resulting in a determination that the educator did not engage in misconduct~~]:

(1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;

(2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:

(A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Texas Penal Code, Chapter 9, regardless of whether the conduct resulted in bodily injury;

(B) possessed, transferred, sold, or distributed a controlled substance;

(C) illegally transferred, appropriated, or expended school property or funds;

(D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

(E) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;

(F) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;

(G) [~~(E)~~] committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

(H) [~~(F)~~] solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

(3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.

(A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.

(C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation.[~~; or~~]

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by paragraph (2) of this subsection; or

(5) [~~(4)~~] any other circumstances requiring a report under the Texas Education Code (TEC), §22A.051 [~~TEC, §21.006~~].

(e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school and may be subject to sanctions for failure to do so, except as provided by paragraph (3) of this subsection , no later than [~~seven business days after~~]:

(1) seven business days after an educator's termination or resignation following an alleged incident of misconduct involving one of the acts described in subsection (d)(2) of this section; [~~or~~]

(2) seven business days after the principal knew about an educator's reported criminal history; or[~~.~~]

(3) 48 hours after the principal becomes aware of evidence of misconduct described by subsection (d)(2) of this section.

(f) Pursuant to the TEC, §22A.051 [~~§21.006(b-2), (c), (h), and (i)~~] , a report filed under subsections (d) and (e) of this section must include:

(1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and

(2) the factual circumstances requiring the report and the subject of the report by providing the following available information:

(A) name and any aliases; certificate number, if any, or social security number;

(B) last known mailing address and home and daytime phone numbers;

(C) all available contact information for any alleged victim or victims;

(D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

(E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

(F) involvement by a law enforcement or other agency, including the name of the agency.

(g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

(h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.

(i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.

(j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

(1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, un-

less the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;

(2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and

(3) submits the following required attachments to the written complaint:

(A) the educator's resignation letter, if any;

(B) the agreement with the educator regarding the effective date of separation from employment, if any;

(C) the educator's contract; and

(D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).

(k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.

(1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:

(A) any conduct constituting a felony criminal offense;

(B) indecent exposure;

(C) public lewdness;

(D) child abuse and/or neglect;

(E) possession of a weapon on school property;

(F) drug offenses occurring on school property;

(G) sale to or making alcohol or other drugs available to a student or minor;

(H) sale, distribution, or display of harmful material to a student or minor;

(I) certificate fraud;

(J) state assessment testing violations;

(K) deadly conduct; and

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

(2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

(A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;

(B) contract abandonment; and

(C) code of ethics violations that do not constitute Priority 1 conduct.

(l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.

(m) The following procedures must be followed for placing an investigative notice on the educator's certification records.

(1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) Within 10 [~~ten~~] calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 [~~ten~~] calendar days why the notice should be removed from the educator's certification records.

(2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) At least 10 [~~ten~~] calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 [~~ten~~] calendar days why the notice should not be placed on the educator's certification records.

(3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.

(n) An investigative notice is subject to the following time limits.

(1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.

(2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

(3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.

(o) The TEA staff shall remove an investigative notice from an educator's certification records:

(1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or

(2) when the time limits for an investigative notice have been exceeded, if:

(A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and

(B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.

(p) Before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate.

(q) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title (relating to Disciplinary Action by State Board for Educator Certification). Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

§249.17. Decision-Making Guidelines.

(a) Purpose. The purpose of these guidelines is to achieve the following objectives:

(1) to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;

(2) to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and

(3) to provide guidance for the informal resolution of potentially contested matters.

(b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.5(b) of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.

(c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:

(1) the seriousness of the violation;

(2) whether the misconduct was premeditated or intentional;

(3) attempted concealment of misconduct;

(4) prior misconduct and SBEC sanctions;

(5) the potential danger the conduct poses to the health and welfare of students;

(6) the effect of the prior conduct upon any victims of the conduct;

(7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;

(8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;

(9) whether the sanction will deter future violations; and

(10) any other relevant circumstances or facts.

(d) Contract abandonment.

(1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):

(A) serious illness or health condition of the educator or close family member of the educator, as evidenced by documentation from a licensed medical provider;

(B) relocation because the educator's spouse or a partner who resides with the educator changes employers or location of employment, [~~to a new city as a result of change in employment of the educator's spouse or partner who resides with the educator~~] as supported by documentation;

(C) significant change in the educator's family needs that requires the educator to relocate or forgo employment during a period of required employment under the educator's contract [~~to devote more time than allowed by current employment~~] ; or

(D) the educator's reasonable belief that the educator had written permission from the school district administration to resign.

(2) Mitigating factors. The following factors shall be considered in seeking, proposing, or making a decision under this chapter regarding an educator who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for factors in subparagraphs (G)-(I) of this paragraph. The educator:

(A) gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;

(B) assisted the school district in finding a replacement educator to fill the position;

(C) continued to work until the school district hired a replacement educator;

(D) assisted in training the replacement educator;

(E) showed good faith in communications and negotiations with the school district;

(F) provided lesson plans for classes following the educator's resignation;

(G) changed careers within the field of education:

(i) to a position that required a different class of educator certification as defined in §230.33(b) of this title (relating to Classes of Certificates);

(ii) to a position with a higher level of authority within the principal class of certificate; or

(iii) to a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described in clauses (i) and (ii) of this subparagraph;

(H) had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;

(I) resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or

(J) any other relevant circumstances or facts.

(3) Mandatory sanction for contract abandonment.

(A) An educator subject to sanction, who has abandoned a contract 44-30 days prior to the first day of instruction for the following school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2)(B)-(J) of this subsection do not mitigate or apply, shall receive a sanction of an inscribed reprimand.

(B) An educator subject to sanction, who has abandoned a contract less than 30 days prior to the first day of instruction for the following school year or at any point during the school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2) of this subsection do not mitigate or apply, may not receive a sanction of less than:

(i) suspension for one year from the first day that, without district permission, the educator failed to appear for work under the contract, provided that the educator has not worked as an educator during that year and the case is resolved within that one year through an agreed final order; or

(ii) suspension for one year from either the effective date of an agreed final order resolving the case or an agreed future date at the beginning of the following school year, if the educator has worked as an educator after abandoning the contract; or

(iii) suspension for one year from the date that the SBEC adopts an order that becomes final following a default under §249.35 of this title (relating to Disposition Prior to Hearing; Default) or a contested case hearing at the State Office of Administrative Hearings (SOAH).

(C) The factors listed in subsection (c) of this section and in paragraphs (1) and (2) of this subsection may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action.

(e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for a felony-level criminal offense under state or federal law, may not receive a sanction of less than:

(1) suspension for a period concurrent with the term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has not been employed as an educator during the period of deferred adjudication or community supervision; or

(2) suspension beginning on the effective date of an agreed final order for a period extending beyond the end of the educator's deferred adjudication or community supervision but may be less than the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has been employed as an educator during the period of deferred adjudication or community supervision; or

(3) suspension beginning on the effective date of an agreed final order for a period at least half as long as the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order after the educator has completed deferred adjudication or community supervision; or

(4) suspension for a period equal to the term of deferred adjudication or community supervision that the criminal court initially ordered but beginning from the date of the final board decision, if the case is resolved through a final board decision following a contested case hearing at the SOAH or a default under §249.35 of this title.

(f) Mandatory minimum sanction for misdemeanor-level conduct. If an educator is subject to sanction, and a court has ordered the educator to complete a period of deferred adjudication, community supervision, or pretrial diversion for a misdemeanor-level criminal offense under state or federal law, the educator may not receive a sanction of less than an inscribed reprimand.

(g) Mandatory minimum sanction for test security violation. An educator who intentionally, as defined in §247.1 of this title (relating to Purpose and Scope; Definitions), violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, in a manner described by §101.3031(a)(3) of Part 2 of this title (relating to Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability, and Security of Assessments), may not receive a sanction of less than a one-year [~~one year~~] suspension.

(h) Mandatory minimum sanction for drugs and alcohol on school campus. An educator who is subject to sanction because the educator has tested positive for drugs or alcohol while on school campus, was under the influence of drugs or alcohol on school campus, or was in possession of drugs or alcohol on school campus may not receive a sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.

(i) Mandatory permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the appli-

cation of any applicant if, after a contested case hearing or a default under §249.35 of this title, it is determined that the educator or applicant:

(1) engaged in any sexual contact or romantic relationship with a student or minor;

(2) solicited any sexual contact or romantic relationship with a student or minor;

(3) possessed or distributed child pornography;

(4) was registered as a sex offender;

(5) committed criminal homicide;

(6) transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property;

(7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or

(8) committed any offense described in the TEC, §22A.201 [~~§21.058~~] .

(j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §22A.051 [~~§21.006~~] , and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:

(1) an inscribed reprimand and a $5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or

(2) an inscribed reprimand and a $500 administrative penalty for a principal who fails to timely notify a superintendent or director.

(k) Mandatory minimum for electioneering. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for an offense under Texas Election Code, Chapter 255, may not receive a sanction of less than a one-year suspension.

(l) Mandatory minimum for violation of TEC, §22A.055(f). An educator subject to sanction for a violation of TEC, §22A.055(f), may not receive a sanction of less than a three-year suspension.

(m) [~~(l)~~] Sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for SBEC disciplinary action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC may initiate a disciplinary action regarding the educator's Texas educator certificate and impose a sanction as provided under this chapter.

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 March 2, 2026.

TRD-202601045

Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER F. TEMPORARY SUSPENSIONS

19 TAC §249.51, §249.52

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who

abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get

from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

(a) If the State Board for Educator Certification (SBEC) or SBEC committee has reason to believe a certificate or permit holder is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as practicable in accordance with Texas Education Code (TEC), §22A.202, as applicable.

(b) In determining a continuing and imminent threat to the public welfare under TEC, §22A.202, the SBEC or SBEC committee will consider:

(1) if there is a real danger to a student or to the public from the acts or omissions of the license or permit holder, including, but not limited to, solicitation, engagement of a romantic relationship, neglect, or abuse;

(2) whether the harm alleged is more than abstract, hypothetical, or remote;

(3) both actions and inactions by the license or permit holder;

(4) whether the conduct occurred on or off a school district campus; and

(5) whether there have been prior complaints, investigations, or discipline of the same or similar nature against the license or permit holder.

§249.52. Process For Temporary Suspension of a License or Permit.

(a) For each temporary suspension proceeding, the State Board for Educator Certification (SBEC) shall appoint a five-member committee to consider the information and evidence presented by Texas Education Agency (TEA) staff. In the event of the recusal of a committee member or the inability of a committee member to attend a temporary suspension committee proceeding, the SBEC chair may appoint an alternate member to serve on the committee.

(b) A with-notice hearing may include activities such as presentation of evidence, deliberations, and announcement of the committee's decision. The committee has discretion over setting time limits and evidentiary determinations. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing via electronic mail. If the electronic notice is returned as undeliverable, the notice will be sent via certified mail.

(c) Evidence will be considered under a relaxed standard described in Texas Government Code (TGC), §2001.081, including information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs, necessary to ascertain facts not reasonably susceptive of proof under formal rules of evidence rules, and not precluded by statute.

(d) If a majority of the committee votes to temporarily suspend a license or permit, the suspension shall have immediate effect, and the chair of the committee will sign an order of temporary suspension. The order of temporary suspension shall be sent to the respondent via electronic mail or first-class mail.

(e) In accordance with Texas Education Code (TEC), §22A.202(c), a certificate or permit may be suspended without notice to the respondent if at the time of the suspension, TEA staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as possible under TEC, Chapter 22A, and TGC, Chapter 2001.

(f) Notice, continuance, and waiver of probable cause hearing. TEA staff shall serve notice of a probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the administrative law judge (ALJ) grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing.

(g) Probable cause hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

(h) Final hearing. SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension or the date of the final disposition if the temporary suspension is issued under TEC, §22A.203. At this hearing, TEA staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."

(i) Notice and continuance of final hearing. TEA staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing.

(j) Proposal for decision. Following the final hearing, the ALJ shall issue a proposal for decision on the suspension. The proposal for decision may also address any other additional violations related to the respondent.

(k) For purposes of suspension or restriction under TEC, §22A.203, final disposition of a criminal case includes evidence of:

(1) final, non-appealable conviction;

(2) acceptance and entry of a plea agreement;

(3) dismissal;

(4) acquittal; or

(5) successful completion of a deferred adjudication.

(l) A temporary suspension takes effect immediately and shall remain in effect until:

(1) a final or superseding order of the committee or SBEC is entered;

(2) the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or

(3) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

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 March 2, 2026.

TRD-202601046
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER D. SOCIO-ECONOMIC PROGRAM

DIVISION 1. HISTORICALLY UNDERUTILIZED BUSINESSES

34 TAC §§20.281, 20.282, 20.284, 20.285, 20.288, 20.294 - 20.296, 20.298

The Comptroller of Public Accounts proposes amendments to §20.281, concerning policy and purpose; §20.282, concerning definitions; §20.284, concerning statewide annual HUB utilization goals; §20.285, concerning subcontracts; §20.288, concerning certification process; §20.294, concerning graduation procedures; §20.295, concerning program review; §20.296, concerning HUB coordinator responsibilities; and §20.298, concerning mentor-protégé program.

No legislation enacted within the last four years provides the statutory authority for these amendments.

INTRODUCTION

On December 2, 2025, the comptroller adopted emergency rules to avoid unconstitutional application of the Texas historically underutilized business (HUB) program. Under those rules, the comptroller rebranded the HUB program as Veteran Heroes United in Business, or VetHUB, and revised the eligibility criteria so that only businesses owned by veterans with disabilities connected to their military service are eligible. The comptroller proposes to amend its rules to match the emergency rules. In addition, the comptroller proposes amendments to streamline the HUB program's subcontracting provisions.

CONSTITUTIONAL ANALYSIS

Recent court decisions have changed the legal landscape around race- and sex-based discrimination. In *Students for Fair Admission, Inc. v. Harvard*, 600 U.S. 181 (2023), the Supreme Court prohibited race-based preferences in government benefits. In *United States v. Skrmetti*, 145 S. Ct. 1816 (2025), the Supreme Court reiterated that it is unlawful to treat a member of one sex less favorably than the other, absent some pertinent difference. And in *Ames v. Ohio Department of Youth*

Services, 605 U.S. 303 (2025), the Supreme Court held that discrimination against members of "majority groups" can still be unlawful discrimination. These precedents apply to the State and are also instructive for construing the Texas Constitution's overlapping protections. See U.S. CONST. amend. XIV; TEX. CONST. art. I, §3a; *see, e.g.*, *Bell v. Low Income Women of Tex*., 95 S.W.3d 253, 266 (Tex. 2002). Citing the Texas and U.S. Constitutions and the U.S. Supreme Court, Governor Abbott issued an executive order stating that agencies must "treat people equally regardless of membership in any racial group" and adhere to "the color-blind guarantee of our state and federal Constitutions by prohibiting all forms of government race discrimination." Executive Order GA-55, 50 Tex. Reg. 810-11.

In *Nuziard v. Minority Business Development Agency*, plaintiffs sued a federal agency that provided benefits to minority-owned businesses. 721 F.Supp. 3d 431 (N.D. Tex, 2024), appeal dismissed, No. 24 10603, 2024 WL 5279784, at *1 (5th Cir. July 22, 2024). The plaintiffs were small business owners who were denied assistance because their race was not among the "codified list of preferred races/ethnicities" in the statute and rules used to determine eligibility. *Id*. at 448. The agency relied on a presumption that "anyone from the listed groups is 'socially or economically disadvantaged' and thus entitled to services." *Id*. The statute defined an "economically disadvantaged individual" as one "who has been subjected to racial or ethnic prejudice or cultural bias . . . because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity." 15 U.S.C. §9501; *Nuziard*, 721 F. Supp. 3d at 452. The statute listed groups that it deemed economically disadvantaged, including "Black or African American" and "Hispanic or Latino." *Id*. Because of the explicit references to race and ethnicity, the court applied strict scrutiny. *Id*. at 478. It held that the agency had a compelling interest in remedying discrimination in government contracting, shown through "significant disparity ratios for {minority-owned businesses} in prime contracting." *Id*. at 488. In spite of that compelling interest, the statute was unconstitutional, because it was not narrowly tailored to address that interest. *Id*. at 493. The exclusion of many minority business owners from the presumption of disadvantage, including those from the Middle East and North Asia, was arbitrary. *Id*. at 490. Furthermore, presuming that all members of a group are equally disadvantaged was an "illogical stereotype." *Id*. at 492-493. Finally, there was no "logical endpoint" where the program could be retired because the discrimination had been remedied. *Id*. at 493-494. Due to the lack of narrow tailoring, the court struck down the racial and ethnic presumptions as unconstitutional under the Fourteenth Amendment. *Id*. at 498.

Like the federal statute at issue in *Nuziard*, Government Code, Chapter 2161 as implemented in §20.282 of this title presumes that certain demographic groups are disadvantaged. The definition of "economically disadvantaged person" in Government Code, §2161.002(3) and the definition of "qualified owner" in §20.282 of this title both explicitly incorporate race, ethnicity, and sex. Like that federal statute, Government Code, Chapter 2161 was adopted with a purpose to address disparities in contracting, established through a study. Like that federal statute, the HUB program's definitions exclude business owners from the Middle East and North Asia. Like that federal statute, the HUB program relies on a stereotype that presumes all members of a demographic group are equally disadvantaged. Like that federal statute, the HUB program has no logical end point. It is clear from *Nuziard* that the HUB program is not narrowly tailored to meet the strict scrutiny required for racial and ethnic classifications nor the intermediate scrutiny required for sex-based classifications under the state and federal constitutions. Therefore, the highest state and federal law requires the comptroller to remove such classifications from the HUB program.

Unlike race, ethnic, and sex-based classifications, veteran status and disability status are subject only to rational basis scrutiny. *Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256 (1979) (state statute preferencing veterans over non-veterans was subject only to rational basis review and approved as constitutional). There are no judicial decisions suggesting that a program to assist disabled veterans only is unconstitutional.

To ensure that the comptroller does not implement the HUB program in an unconstitutional way, these rules eliminate each classification that could be applied in an unconstitutional manner. Without those classifications, the program will serve small businesses owned by service-disabled veterans, regardless of their race, sex, or ethnicity.

ADDRESSING UNCONSTITUTIONAL CLASSIFICATIONS

The term "sex" replaces "gender" throughout the amended rules. This aligns the terminology of the rules with court decisions that have interpreted the Texas and United States Constitutions.

Amended §20.281 restates the purpose of the comptroller's HUB program, which is to promote full and equal opportunities for all businesses in accordance with the equal protection provisions of the Texas and United States Constitutions. Language that referred to remediation of disparities is removed.

Amended §20.282 removes the definition of "disparity study." That term is not used in the amended rules.

Amended §20.282 clarifies that the definition of "economically disadvantaged person" in Government Code, Chapter 2161 must be interpreted in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

Amended §20.282 clarifies the definition of "historically underutilized business" so that the term no longer appears within its own definition.

Amended §20.282 revises the definition of "qualifying owner" to eliminate classifications based on race, ethnicity, and gender. Although those classifications appear in Government Code, Chapter 2161, courts have found their use in equivalent contexts to be unconstitutional. See the foregoing "Constitutional Analysis" section of this proposal; see also Texas Attorney General Op. KP-0505 (2026), pp. 26-35 ("Texas's HUB framework erects a pervasive, discriminatory regime that violates the U.S. Constitution's Equal Protection Clause as well as the Texas Constitution's Equal Rights Amendment through indefensible fixation on sex and race.").

Amended §20.284 eliminates statewide quantitative HUB utilization goals. These goals were based on a disparity study that focused on race, ethnicity, and sex-based analysis. Under the revised eligibility criteria, those goals are neither well-supported nor viable. In place of the percentage utilization goals, the amended rule sets a goal of increasing participation, which accords with Government Code, §2161.181. Agencies shall set their own goals for increasing the utilization of HUB businesses based on relevant factors. However, instructions for state agencies to consider the disparity study are removed, in order to avoid the constitutional issues inherent in race, ethnicity, and

sex-based classifications. Agencies are instructed to consider businesses that are owned by "qualified owners," because the definition of "qualified owners" in §20.282 no longer includes classifications based on race, ethnicity, and sex.

Amended §20.288 eliminates references to minority business enterprises and women's business enterprises, which are classifications outside the scope of the amended rules. It specifies that the definition of "historically underutilized business" in Government Code, Chapter 2161 must be interpreted in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

Amended §20.294 removes a reference to overcoming the effects of discrimination. This reference was unnecessary, and its removal will not affect program implementation. The comptroller will continue to enforce the same size standards in determining eligibility for certification.

Amended §20.295 removes references to the disparity study. It states that the comptroller may determine the need to reassess the HUB rules.

Amended §20.296 specifies that an agency HUB coordinator shall carry out their duties on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law. Because the state and federal constitutions have always applied to state agency employees including HUB coordinators, the added language is merely a reminder.

Amended §20.298 eliminates a reference to the disparity study. Agencies shall implement the Mentor-Protégé program without reference to the disparity study.

STREAMLINING SUBCONTRACTING PLANS

The comptroller revises the term "HUB subcontracting plan" to "subcontracting plan" throughout these amended rules. The definition of "subcontracting plan" is relocated within §20.282 to maintain alphabetical order, and the numbering is adjusted accordingly. "Subcontracting plan" is more appropriate, because there is not a requirement for a vendor to subcontract to a HUB to complete the plan. Vendors are permitted to use any subcontractor, regardless of HUB status, provided that the selection was made in demonstrated good faith in accordance with the rules.

Amended §20.285(b)(1) reiterates that an agency shall require subcontracting plans as part of a solicitation response whenever subcontracting opportunities with HUBs are probable. The HUB rules require agencies to check the comptroller's HUB directory as part of the process of determining whether subcontracting is probable. See §20.285(a). In the HUB directory, HUBs indicate which types of work they perform and which parts of the state they serve. If the directory shows that no HUBs are available for contemplated subcontracts, there is not a probable HUB subcontracting opportunity. The intent of §20.285(b) is for agencies to check that HUBs are available before determining that subcontracting opportunities are probable. The added language provides additional clarity.

Amended §20.285(b)(1) also removes the requirement to include a historically underutilized business utilization goal in a solicitation which requires the respondent to submit a subcontracting plan. The utilization goal was used by respondents to complete the "meeting-or-exceeding-HUB-goal method," which is deleted from the amended rule. Because the percentage utilization goal is no longer useful in completing the subcontracting plan, and because including the goal may mislead a vendor to believe that a minimum amount of subcontracting is required, the amended rule allows an agency to omit such a goal from the solicitation.

Amended §20.285(b)(3) aligns the language of the rule with Government Code, §2161.252(b). Both the amended section and the statute now state that when a state agency requires a subcontracting plan, a bid, proposal, offer, or other applicable expression of interest for the contract must contain a plan to be considered responsive.

Amended §20.285(b)(4) leaves untouched the ability of a state agency to allow respondents to cure minor deficiencies in subcontracting plans. Also untouched is the principal that a state agency may not allow a respondent to cure material deficiencies. However, the amendments revise the description of material deficiencies because respondents are no longer required to contact minority trade organizations, or to provide a statement of how it will self-perform work in the subcontracting plan. That is consistent with other changes in §20.285.

Amended §20.285(d) addresses demonstration of good faith in the development of a subcontracting plan. The amended rule provides that for each part of work that the solicitation identified as a probable subcontracting opportunity and each part of the work that the respondent actually intends to subcontract, the respondent must demonstrate its good faith development of a subcontracting plan by either inviting small business to bid for subcontracts (the "solicitation method") or stating that it does not intend to subcontract (the "self-performing method"). The amended rule simplifies the preparation of a subcontracting plan, making it easier for respondents to comply, and reducing the number of bids or proposals that are nonresponsive under Government Code, §2161.252(b). The amended subsection (d) eliminates two of the four previous methods for completing a good faith effort: the "all-HUB-subcontractors method" in former paragraph (2), and the "meeting-or-exceeding-HUB-goal method" in former paragraph (3). These methods incentivized respondents to select historically underutilized businesses as subcontractors by allowing them to skip the notification steps in the solicitation method. Under the amended rule, there are no such shortcuts. Respondents that intend to subcontract must perform the same steps, regardless of which subcontractors they select. Eliminating the least-used compliance methods will also simplify the subcontracting form, reducing confusion that may result in noncompliance. The remaining paragraphs are renumbered.

Amended paragraph (1) ensures that the requirement to perform outreach to potential subcontractors under the solicitation method is race, ethnic, and sex-neutral. Additionally, outreach to trade organizations or development centers under former subparagraph (B) is no longer required. The Government Code does not require outreach to such organizations, and the comptroller has determined that the costs of such outreach outweigh the benefits. Finally, the minimum number of HUBs to be solicited is reduced from three to two. Because the eligibility requirements for HUB certification are more stringent, the comptroller anticipates that the number of HUBs available to subcontract will substantially decrease. It is more reasonable to ask vendors to solicit two qualified HUBs than three.

Amended subparagraph (G) allows a respondent to submit its subcontractor selection justification upon request, rather than requiring it with the response. Under this amended rule, the agency may collect any information it needs to evaluate good

faith. However, the amendment eliminates a common way subcontracting plans may be noncompliant. This amended subparagraph also makes explicit that a respondent is not required to select a small business if it determines in good faith that another subcontractor is more suitable.

The self-performing method in renumbered paragraph (2) provides expressly that a respondent is not required to subcontract any portion of any contract. While the rules have never required subcontracting, the comptroller now makes that clear. The amended rule provides that a respondent may use the self-performing method to demonstrate a good faith effort for any subcontracting opportunity by indicating that it intends to fulfill the entire contract, including each subcontracting opportunity, with its own equipment, supplies, materials, and employees. The amended rule allows a respondent to submit its self-performing justification upon request, rather than requiring it with the response. This eliminates another common way subcontracting plans may be noncompliant, while maintaining agencies' ability to assess compliance.

Renumbered paragraph (4) is amended to clarify that a business listed in the HUB directory at the time of the good faith effort is considered a HUB for purposes of evaluating a subcontracting plan, even if the business later graduates or has its HUB status revoked or expired. This is not a change in policy, but the clarification may help with interpretation.

Amended subsection (e) states that a state agency may reject a HUB subcontracting plan that was not developed in good faith or was not completed. This is consistent with Government Code, §2161.282(b), which states that a response that does not include a subcontracting plan is nonresponsive. To address the situation where a subcontracting plan identifies businesses that are no longer HUBs, the amended subsection allows the agency to request a revised subcontracting plan. While agencies have always had discretion to work with contractors to amend subcontracting plans after award (see §20.285(i)), this revision makes it clear that agencies have the same discretion to work with respondents before award.

FISCAL NOTE

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments are in effect, the amended rules: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy. This proposal amends existing rules.

Mr. Reynolds also has determined that the proposed amended rules would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendments would align the rules' language with court decisions that have interpreted the Texas and United States Constitutions by eliminating race, ethnic, and sex-based classifications from the rules. Thus, the proposed amendments would benefit the public by ensuring that the Veteran Heroes United in Business program (formerly the HUB program) is applied in a manner consistent with recent court decisions regarding constitutionality of race-, ethnic-, or sex-based classifications. Furthermore, the proposed amendments would benefit the public by streamlining the program's subcontracting provisions, thereby, increasing compliance. There would be no anticipated significant economic cost to the public. The proposed amendments would have no significant fiscal impact on rural communities. The pool of businesses eligible to participate in the program will decline significantly. Costs to small businesses formerly certified as HUBs for monitoring state contracting opportunities could increase as notices and invitations to bid delivered to small businesses are reduced, and the share of state contracts won by those businesses could decrease, to an unknown extent; the fiscal implications for small businesses cannot be determined.

COMMENTS AND HEARING

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan P.O. Box 13528 Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 7:00 a.m., Central Time, on April 7, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: https://txcpa.webex.com/txcpa/j.php?MTID=mac3fedd0742ad312afab6a350ab5e570. To join the meeting by computer or cell phone using the Webex app, use the access code 2481 363 9967 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by April 6, 2026.

AUTHORITY

These amendments are proposed under Government Code, §2161.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2161, and Government Code, §2161.002, which authorizes the comptroller to adopt rules to administer Subchapters B and C of Chapter 2161. These amendments implement Government Code, Chapter 2161, in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

These amendments implement Government Code, Chapter 2161.

§20.281. Policy and Purpose.

It is the policy of the comptroller to encourage the use of historically underutilized businesses (HUBs) by state agencies and to assist agencies in the implementation of this policy through race, ethnic, and sex-neutral [~~gender-neutral~~] means. The purpose of the HUB program is to promote full and equal business opportunities for all businesses [~~in an effort to remedy disparity in state procurement and contracting in accordance with the HUB utilization goals specified in the State of Texas Disparity Study~~]. All rules, guidance, and statutes related to the HUB program must be interpreted, applied, and implemented in accordance with the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

§20.282. Definitions.

The following words and terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise. Additional applicable definitions are located in §20.25 of this title.

(1) Applicant--A corporation, sole proprietorship, partnership, joint venture, limited liability company, or other business organization that applies to the comptroller for certification as a historically underutilized business.

(2) Application--The information, documents, and representations submitted by an applicant that constitute its request for certification as a historically underutilized business.

(3) Commodities--Any tangible goods.

~~[(4) Disparity study--The State of Texas Disparity Study - 2009, conducted by MGT of America, Inc., dated March 30, 2010, or any updates of the study that are prepared on behalf of the state as provided by Government Code, §2161.002(c).]~~

(4) [~~(5)~~] Economically disadvantaged person--Has the meaning assigned by Government Code, §2161.001(3), subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

(5) [~~(6)~~] Graduation--When a certified HUB exceeds the size standards and becomes ineligible for continued certification as a result.

(6) [~~(7)~~] Historically underutilized business (HUB)--A business organization described in subparagraphs (A) - (F) of this paragraph that is certified by the comptroller because it has not exceeded the size standards established by §20.294 of this title, maintains its principal place of business in Texas, and is:

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more qualifying owners;

(B) a sole proprietorship created for the purpose of making a profit that is 100% owned, operated, and controlled by a qualifying owner;

(C) a partnership formed for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more qualifying owners;

(D) a joint venture in which each entity is described by subparagraphs (A), (B), (C), or (E) of this paragraph [~~a HUB~~];

(E) a supplier contract between an entity described by subparagraphs (A), (B), (C), or (D) of this paragraph [~~a HUB~~] and a prime contractor under which the HUB is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies; or

(F) a business other than described in subparagraphs (B), (C), (D), and (E) of this paragraph, which is formed for the purpose of making a profit and is otherwise a legally recognized business organization under the laws of the State of Texas, provided that at least 51% of the assets and 51% of any classes of stock and equitable securities are owned by one or more qualifying owners.

(7) [~~(8)~~] Historically underutilized business (HUB) coordinator--The staff member designated by a state agency to be primarily responsible for overseeing the implementation of HUB laws and monitoring attainment of HUB utilization goals.

(8) [~~(9)~~] HUB directory--The Historically Underutilized Business Directory published on the comptroller's website.

~~[(10) HUB subcontracting plan--Written plan identifying whether a contract will be self-performed or include the use of subcontractors, which subcontractors will be used, how much of the contract each subcontractor will receive, and how subcontractors were selected.]~~

(9) [~~(11)~~] Mentor-Protégé Program--A program designed by the comptroller to encourage agencies to work with prime contractors and HUBs to foster long-term relationships.

(10) [~~(12)~~] Non-treasury funds--Funds that are not state funds subject to the custody and control of the comptroller and available for appropriation by the legislature.

(11) [~~(13)~~] Other services--All services other than construction and professional services, including consulting services subject to Government Code, Chapter 2254, Subchapter B.

(12) [~~(14)~~] Person--A human being.

(13) [~~(15)~~] Principal place of business--The location where the qualifying owner or owners of the business direct, control, and coordinate the business's daily operations and activities.

(14) [~~(16)~~] Professional services--Services of certain licensed or registered professions that must be purchased by state agencies under Government Code, Chapter 2254, Subchapter A.

(15) [~~(17)~~] Qualifying owner--A person who:

(A) is a resident of the State of Texas;

(B) has a proportionate interest and demonstrates active participation in the control, operation, and management of an applicant;

(C) is a service-disabled veteran, [~~member of one of the following groups:~~]

~~*[(i)* Black Americans, which includes persons having origins in any of the Black racial groups of Africa;]~~

~~*[(ii)* Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;]~~

~~*[(iii)* American Women, which includes all women of any ethnicity except those specified in clauses (i), (ii), (iv), and (v) of this subparagraph;]~~

~~*[(iv)* Asian Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, the Northern Marianas, and Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal;]~~

~~*[(v)* Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and]~~

[(vi)] [~~Service-disabled Veterans,~~] which includes veterans as defined by 38 U.S.C. §101(2) who have suffered at least a 20% service-connected disability as defined by 38 U.S.C. §101(16). [~~who are not Black Americans, Hispanic Americans, American Women, Asian Pacific Americans, or Native Americans; and~~]

~~[(D) is a U.S. citizen, born or naturalized, or a service-disabled veteran as defined by 38 U.S.C., §101(2) who has suffered at least a 20% service-connected disability as defined by 38 U.S.C., §101(16).]~~

(16) [~~(18)~~] Resident of the State of Texas--An individual who:

(A) physically resides in the state for a period of not less than six consecutive months prior to submitting an application for HUB certification, and lists Texas as their residency in their most recent tax return submitted to the U.S. Internal Revenue Service, or;

(B) has established, to the satisfaction of the comptroller, a Texas domicile for a period of time sufficient to demonstrate their intention to permanently reside in the state consistently over a substantial period of time.

(17) [~~(19)~~] Response--A submission made in answer to an invitation for bid, request for proposal, or other purchase solicitation document, which may take the form of a bid, proposal, offer, or other applicable expression of interest.

(18) [~~(20)~~] Subcontractor--An entity that contracts with a prime contractor to work or contribute toward completing work under a purchase order or other contract. The term does not include employees of the contractor but includes contracted workers who will work on the contract.

(19) [~~(21)~~] Size standards--Graduation and eligibility thresholds established by the comptroller under §20.294 (relating to Graduation Procedures).

(20) Subcontracting plan--Written plan identifying whether a contract will be self-performed or include the use of subcontractors, which subcontractors will be used, how much of the contract each subcontractor will receive, and how subcontractors were selected.

(21) [~~(22)~~] Term contract--A statewide contract established by the comptroller as a supply source for user entities for specific commodities or services.

(22) [~~(23)~~] Vendor Identification Number (VID)--A 13-digit identification number used in state government to identify the bidder or business for payment or award of contracts, certification as a HUB, and on the bidders list.

(23) [~~(24)~~] Work--Providing goods or performing services pursuant to a contract.

(24) [~~(25)~~] Working day--Normal business day of a state agency, not including weekends, federal or state holidays.

§20.284. Statewide Annual HUB Utilization Goals.

(a) In accordance with §20.281 of this title (relating to Policy and Purpose) and Government Code, §2161.181 and §2161.182, each state agency shall make a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services) and commodities purchases. Each state agency may achieve the statewide and the annual HUB utilization goals specified in the state agency's Legislative Appropriations Request by contracting directly with HUBs or indirectly through subcontracting opportunities.

(b) The statewide HUB utilization goals are qualitative, with the goal of increasing participation of service-disabled veteran in state purchasing and contracts.[~~:~~]

[~~(1) 11.2% for heavy construction other than building contracts;~~]

[~~(2) 21.1% for all building construction, including general contractors and operative builders contracts;~~]

[~~(3) 32.9% for all special trade construction contracts;~~]

[~~(4) 23.7% for professional services contracts;~~]

[~~(5) 26.0% for all other services contracts; and~~]

[~~(6) 21.1% for commodities contracts.~~]

(c) [~~State agencies shall establish HUB utilization goals for each procurement category identified in subsection (b) of this section. Agencies may set their HUB utilization goals higher or lower than the statewide utilization goals. However, the statewide HUB utilization goals shall be the starting point for establishing state agency-specific goals.~~] State agency-specific HUB utilization goals shall be based on:

(1) a state agency's fiscal year expenditures and total contract expenditures;

(2) the availability to a state agency of HUBs [~~in each procurement category~~];

(3) the state agency's historic utilization of HUBs; and

(4) other relevant factors.

(d) Each state agency shall make a good faith effort to assist HUBs in receiving a portion of the total value of all contracts that the state agency expects to award in a fiscal year. Factors in determining a state agency's good faith shall include:

(1) the state agency's performance in meeting or exceeding their HUB utilization goals or the statewide HUB utilization goals as they included as part of their legislative appropriations request in accordance with Government Code, §2161.127; and

(2) the state agency's adoption and implementation of the following procedures:

(A) prepare and distribute information on procurement procedures in a manner that encourages participation in state contracts by all businesses;

(B) divide proposed requisitions into reasonable lots in keeping with industry standards and competitive bid requirements;

(C) where feasible, assess bond and insurance requirements and design requirements that reasonably permit more than one business to perform the work;

(D) specify reasonable, realistic delivery schedules consistent with a state agency's actual requirements;

(E) ensure that specifications, terms, and conditions reflect a state agency's actual requirements, are clearly stated, and do not impose unreasonable or unnecessary contract requirements;

(F) provide potential bidders with referenced list of certified HUBs for subcontracting;

[~~(G) develop and apply a written methodology to determine whether their HUB utilization goals are appropriate under the Disparity Study, or whether the statewide HUB utilization goals from the Disparity Study are appropriate for the state agency, and taking into account the provisions of Government Code, §2161.002(d);~~]

(G) [~~(H)~~] identify potential subcontracting opportunities in all contracts and require a [~~HUB~~] subcontracting plan for contracts of $100,000 or more over the life of the contract (including any renewals), where such opportunities exist, in accordance with Government Code, §2161.251;

(H) [~~(I)~~] seek HUB subcontracting in contracts that are less than $100,000 whenever possible;

(I) [~~(J)~~] provide, at a state agency's option, courtesy reviews of respondents' [~~HUB~~] subcontracting plans required to be submitted with responses pursuant to Government Code, §2161.252; and

(J) [~~(K)~~] provide, at a state agency's option, subcontracting-plan-compliance [~~HUB-subcontracting-plan-compli-~~

~~ance~~] training to potential respondents during pre-bid, pre-offer, and pre-proposal conferences, or at agency HUB forums.

(e) A state agency may also demonstrate good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request including other relevant information, such as:

(1) identifying the percentage of contracts (prime and subcontracts) awarded to businesses that are not HUBs, but that are owned by economically disadvantaged persons as defined in Government Code, §2161.001;

(2) demonstrating that a different goal from that identified in subsection (b) of this section was appropriate given the state agency's types of purchases;

(3) demonstrating that a different goal was appropriate given the particular qualifications required by a state agency for its contracts;

(4) demonstrating that a different goal was appropriate given that graduated HUBs cannot be counted toward the goal; or

(5) demonstrating assistance to business entities in obtaining HUB certification.

§20.285. Subcontracts.

(a) Analyzing potential contracts of $100,000 or more. In accordance with Government Code, Chapter 2161, Subchapter F, each state agency that considers entering into a contract with an expected value of $100,000 or more shall, before it solicits responses, determine whether subcontracting opportunities are probable under the contract.

(1) State agencies shall use the following steps to determine if subcontracting opportunities are probable under the contract:

(A) examine the scope of work to be performed under the proposed contract and determine if it is likely that some of the work may be performed by a subcontractor;

(B) check the HUB directory for HUBs that may be available to perform the contract work; and

(C) consider whether subcontracting is probable for only a subset of the work expected to be performed or the funds to be expended under the contract.

(2) State agencies may consider additional sources of information regarding the probability of subcontracting, including:

(A) information from other state agencies and local governments; and

(B) information about past state contracts with similar scopes of work.

(b) Requiring [~~HUB~~] subcontracting plans.

(1) If a state agency determines that subcontracting opportunities with HUBs are probable, the solicitation shall state that probability and explicitly require that any response include a completed [~~HUB~~] subcontracting plan to be considered responsive. The solicitation shall [~~state the applicable HUB utilization goal, and~~] provide information on where to find and how to complete the comptroller's [~~HUB~~] subcontracting plan form.

(2) A state agency shall require [~~HUB~~] subcontracting plans to be submitted with each response. If a state agency permits responses to be submitted in parts, with deadlines for each part, the solicitation shall specify which deadline applies to the [~~HUB~~] subcontracting plan and shall not open responses until after the [~~HUB~~] subcontracting plan is due.

(3) When a state agency requires a subcontracting plan, a bid, proposal, offer, or other applicable expression of interest for the contract must contain a plan to be considered responsive. [~~A state agency shall reject any response that does not include a completed and timely HUB subcontracting plan due to material failure to comply with Government Code, §2161.252(b).~~]

(4) If a properly submitted [~~HUB~~] subcontracting plan contains minor deficiencies, such as failure to sign or date the plan or failure to submit already-existing evidence that a good faith effort was completed, the state agency may allow the respondent to cure the minor deficiency. A state agency may not allow a respondent to cure material deficiencies, including completion of a good faith effort after the response deadline, [~~(~~]such as contacting potential subcontractors [~~minority trade organizations~~] or producing the statement that [~~of how~~] the respondent intends to self-perform the work, if [~~that is~~] required [~~by subsection (d)(4) of this section)~~].

(c) Completing a [~~HUB~~] subcontracting plan. The [~~HUB~~] subcontracting plan shall consist of a completed form prescribed by the comptroller, with attachments as appropriate.

(d) Demonstrating good faith in the development of a [~~HUB~~] subcontracting plan. The [~~HUB~~] subcontracting plan must demonstrate that the respondent developed it in good faith. For each part of the work that the solicitation identified as a probable subcontracting opportunity and each part of the work that the respondent actually intends to subcontract, the respondent must demonstrate its good faith development of a [~~HUB~~] subcontracting plan by either inviting small businesses to bid for subcontracts (the solicitation method) or stating that it does not intend to subcontract (the self-performing method) [~~a method described in paragraphs (1)-(4) of this subsection~~].

(1) Solicitation Method. To complete the solicitation method, the respondent shall comply with all requirements of this clause.

(A) The respondent shall divide the work into reasonable lots or portions consistent with prudent industry practices.

(B) Reserved. [~~The respondent shall notify, in writing, at least two trade organizations or development centers that serve economically disadvantaged persons, of the subcontracting opportunities that the respondent intends to subcontract.~~]

(C) The respondent shall notify, in writing, at least two [~~three~~] HUBs of the subcontracting opportunities that the respondent intends to subcontract. The respondent shall provide the notice described in this subclause to two [~~three~~] or more HUBs per subcontracting opportunity that provide the type of work required.

(D) The notices required by subparagraphs (B) and (C) of this paragraph shall include the scope of work, information regarding location to review plans and specifications, information about bonding and insurance requirements, required qualifications, and other contract requirements and identify a contact person.

(E) The respondent shall provide the notices required by subparagraphs (B) and (C) of this paragraph at least seven working days prior to submission of the response. Neither the day on which the notice is sent nor the day on which the respondent submits its response count as one of the required seven working days. A state agency may determine that circumstances require a different time period than seven working days but must notify potential vendors of the requirement and document the justification in the contract file.

(F) The respondent shall submit documentation of having provided the notices required by subparagraphs (B) and (C) of this

paragraph, including copies of relevant correspondence with the recipients, with its [~~HUB~~] subcontracting plan.

(G) If the state agency requests it [~~If the respondent selects a non-HUB business to perform a subcontract instead of a HUB that bid for the same subcontract work~~], the respondent shall provide [~~include~~] a written justification for its subcontractor [~~the~~] selection [~~in its HUB subcontracting plan~~]. A respondent is not required to select a small business if it determines in good faith that another subcontractor is more suitable.

(H) The respondent shall retain documentation of its compliance with each aspect of the solicitation method and submit it to the state agency upon request.

[~~(2) All-HUB-Subcontractors Method. The respondent may use the all-HUB-subcontractors method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that 100% of subcontracting opportunities will be performed by HUBs.~~]

[~~(3) Meeting-or-Exceeding-HUB-Goal Method. The respondent may use the meeting-or-exceeding-HUB-goal method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that it will utilize one or more HUBs to perform subcontracts with a total value that will meet or exceed the HUB utilization goal identified by the procuring state agency in the solicitation.~~]

(2) [~~(4)~~] Self-performing Method. This rule does not require a respondent to subcontract any portion of any contract. The respondent may use the self-performing method to demonstrate a good faith effort for any subcontracting opportunity by indicating that [~~providing a statement of how~~] it intends to fulfill the entire contract, including each subcontracting opportunity, with its own equipment, supplies, materials, and employees. The respondent shall provide the following if requested by the procuring state agency:

(A) evidence of existing staffing to meet contract objectives;

(B) monthly payroll records showing employees engaged in the contract;

(C) on-site reviews of company headquarters or work site where services are to be performed; and

(D) documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

(3) [~~(5)~~] Subcontracting to a HUB Protégé. Under Government Code, §2161.253, if [~~If~~] the respondent is a mentor in a mentor-protégé agreement under Government Code, §2161.065 [~~that is registered with the comptroller under §20.298 of this title (relating to Mentor-Protégé Program)~~], the respondent may demonstrate a good faith effort for any subcontracting opportunity by subcontracting the work to its protégé.

(4) [~~(6)~~] The respondent shall use the HUB directory to identify HUBs. If the respondent uses any alternate source, it accepts the risk that its [~~HUB~~] subcontracting plan may be noncompliant due to inaccurate HUB certification information. A business listed in the HUB directory at the time of the good faith effort is considered a HUB for purposes of evaluating a subcontracting plan, even if the business later graduates or has its HUB status revoked or expired.

(e) Accepting or rejecting the [~~HUB~~] subcontracting plan. The state agency shall review the respondent's [~~HUB~~] subcontracting plan prior to award. The [~~HUB~~] subcontracting plan shall become a provision of the state agency's contract. The agency and contractor may agree to revise the submitted [~~HUB~~] subcontracting plan in accordance with subsection (b)(4) of this section. State agencies shall review the documentation submitted by the respondent to determine if the respondent made a good faith effort. A state agency may reject [~~If the state agency determines that~~] a [~~HUB~~] subcontracting plan that was not developed in good faith or [~~the good faith effort~~] was not completed [~~incomplete, the state agency shall reject the response~~]. The state agency shall document the reasons for rejection in the contract file. If an agency finds that businesses identified in a subcontracting plan are no longer HUBs, it may invite the vendor to submit a revised plan that identifies active HUBs.

(f) Contractor records. The contractor shall maintain records documenting its compliance with the [~~HUB~~] subcontracting plan.

(g) Progress assessment reports. The contractor shall submit a progress assessment report to the state agency with each invoice, in the format required by the comptroller. A state agency may, at its option, allow electronic submissions of the compliance report required by this subsection so long as the electronically-submitted compliance reports are in the format and contain all information required by the comptroller. The progress assessment report shall be a condition for payment.

(h) Monitoring [~~HUB~~] subcontracting plan compliance.

(1) During the term of the contract, the state agency shall monitor the contractor's subcontracting by reviewing each HUB progress assessment report to determine whether it complies with the [~~HUB~~] subcontracting plan. The state agency shall perform monitoring at intervals corresponding to invoice submissions. The state agency shall determine if the value of the payments to HUBs meets or exceeds the [~~HUB~~] subcontracting plan, and whether the contractor is utilizing only subcontractors named in the [~~HUB~~] subcontracting plan. The state agency shall document the contractor's performance in the contract file.

(2) To determine if the contractor is complying with the [~~HUB~~] subcontracting plan, the state agency may consider the following:

(A) whether the contractor gave timely notice to the subcontractor regarding the time and place of the subcontracted work;

(B) whether the contractor facilitated access to the resources needed to complete the work; and

(C) any other information the state agency considers relevant.

(3) If the contractor fails to comply with the [~~HUB~~] subcontracting plan, the state agency shall notify the contractor of the deficiencies and give the contractor an opportunity to submit documentation and explain why its failure to fulfill the [~~HUB~~] subcontracting plan should not be attributed to a lack of good faith effort by the contractor. Any deficiencies identified by the state agency must be rectified by the contractor prior to the next reporting period.

(4) The state agency shall report failure to comply with the [~~HUB~~] subcontracting plan to the comptroller in accordance with §20.509 of this title (relating to Vendor Performance Reporting). If the state agency determines that the contractor failed to implement the [~~HUB~~] subcontracting plan in good faith, the state agency may, in addition to any other remedies, bar the contractor from further contracting opportunities with the agency. The state agency may also report nonperformance to the comptroller for consideration for possible debarment pursuant to Government Code, §2155.077. A debarment for failure to implement the [~~HUB~~] subcontracting plan may be for a period of no more than five years.

(i) Amending the [~~HUB~~] subcontracting plan.

(1) Before the contractor performs or subcontracts any part of the contract in a manner that is not consistent with its [~~HUB~~] subcontracting plan, it shall submit an amended [~~HUB~~] subcontracting plan to the state agency for its review and approval. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended [~~HUB~~] subcontracting plan. Failure to comply with this section may be deemed a breach of the contract subject to any remedies provided by Government Code, Chapter 2161 and other applicable law.

(2) The state agency may approve requested changes to the [~~HUB~~] subcontracting plan by amending the contract. The reasons for amending the [~~HUB~~] subcontracting plan shall be recorded in the contract file.

(3) If a state agency expands the scope of work through a change order or contract amendment, including a renewal that expands the scope of work, it shall determine if the additional scope of work contains additional probable subcontracting opportunities. If the state agency determines probable subcontracting opportunities exist, the state agency shall require the contractor to submit for its review and approval an amended [~~HUB~~] subcontracting plan for the additional probable subcontracting opportunities. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended [~~HUB~~] subcontracting plan.

§20.288. Certification Process.

(a) A business seeking certification as a HUB must submit an application through the online HUB certification system, affirming under penalty of perjury that the business qualifies as a HUB.

(b) If requested by the comptroller, the applicant must provide any and all materials and information necessary to demonstrate a qualifying active participation in the control, operation, and management of the HUB.

(c) A person claiming Texas residency must prove residency status by submitting:

(1) a current valid Texas driver's license or I.D. card; and

(2) additional evidence of residency satisfactory to the comptroller, such as an appraisal statement for Texas real property (including whether a homestead exemption was claimed for that real property) or most recent paid utility statements.

(d) The comptroller shall certify the applicant as a HUB or provide the applicant with written justification of its denial of certification within 90 days after the date the comptroller receives an application.

(e) The comptroller may reject an application based on one or more of the following:

(1) the application is not satisfactorily completed;

(2) the applicant does not meet the requirements of the definition of HUB;

(3) the application contains false information;

(4) the applicant does not provide required information in connection with the certification review conducted by the comptroller; or

(5) the applicant has an unfavorable record of performance on prior contracts with the state.

(f) The comptroller may approve the existing certification program of one or more local governments or nonprofit organizations in this state that certify historically underutilized businesses, minority business enterprises, women's business enterprises, or disadvantaged business enterprises that substantially fall under the same definition, to the extent applicable for HUBs found in Government Code, §2161.001, subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV, and maintain them on the comptroller's HUB directory, if the local government or nonprofit organization:

(1) meets or exceeds the standards established by the comptroller and

(2) agrees to the terms and conditions as required by statute relative to the agreement between the local government or nonprofits for the purpose of certification of HUBs.

(g) The agreement in subsection (f) of this section must take effect immediately and contain conditions as follows:

(1) allow for automatic certification of businesses certified by the local government or nonprofit organization as prescribed by the comptroller;

(2) provide for the efficient updating of the HUB directory;

(3) provide for a method by which the comptroller may efficiently communicate with businesses certified by the local government or nonprofit organization;

(4) provide those businesses with information about the state's Historically Underutilized Business Program; and

(5) require that a local government or nonprofit organization that enters into an agreement under subsection (f) of this section, complete the certification of an applicant with written justification of its certification denial within the period established by the comptroller in its rules for certification.

(h) The comptroller will not accept the certification of a local government or nonprofit organization that charges money for the certification of businesses to be listed on the HUB directory.

(i) The comptroller may terminate an agreement made under this section if a local government or nonprofit organization fails to meet the standards established by the comptroller for certifying HUBs. In the event of the termination of an agreement, those HUBs that were certified as a result of the agreement will maintain their HUB status during the fiscal year in which the agreement was in effect. Businesses which are removed from the HUB directory as a result of the termination of an agreement with a local government or nonprofit organization may apply to the comptroller for certification.

(j) The certification is valid for a four-year period beginning on the date the comptroller certifies the applicant as a HUB. If the certification was granted by an organization other than the comptroller under subsections (f) and (g) of this section, it is valid for the period granted by that organization.

§20.294. Graduation Procedures.

(a) Size Standards. A HUB shall graduate from being eligible for HUB certification when it has maintained gross receipts or total employment levels during four consecutive years which, including all affiliates, exceed the U.S. Small Business Administration size standards set forth in 13 CFR Part 121.

(b) Graduation. [~~Businesses that achieve the size standards identified in subsection (a) of this section have reached a competitive status in overcoming the effects of discrimination.~~] The comptroller shall review, as part of the certification or recertification process, the financial revenue or relevant data of a business to determine whether the size standards identified in subsection (a) of this section have been

achieved. When the comptroller determines that the business exceeds the applicable size standard, the comptroller shall inform the business that it has graduated and is no longer certified as a HUB, and shall remove the business from the HUB directory.

(c) Effects of Graduation.

(1) Businesses that have graduated from the HUB program may not be included in meeting statewide or state agency HUB utilization goals after the end of last reporting period in which they held certification for at least one day.

(2) A business that has graduated or does not qualify as a HUB under this title, shall be eligible to reapply for HUB certification only after demonstrating that it meets the qualifications for HUB, including the size standards.

(3) A business is considered a successor in interest if it has acquired substantially all of the assets and liabilities of another business. The application of the successor in interest to a HUB that has graduated will be treated as a reapplication of the HUB. The successor in interest applicant must show that it meets the size standards before it is considered eligible to apply.

§20.295. Program Review.

[~~The comptroller shall revise the HUB rules based on updates of disparity studies conducted and prepared on behalf of the State of Texas.~~] The comptroller may determine the need to reassess the HUB rules [~~upon receipt of new disparity study information~~].

§20.296. HUB Coordinator Responsibilities.

(a) In accordance with Government Code, §2161.062(e), state agencies with biennial budgets that exceed $10 million shall designate a staff member to serve as the Historically Underutilized Business (HUB) Coordinator for the state agency during the fiscal year. The HUB coordinator will advise and assist state agency executive directors and staff in complying with the requirements of this division, Government Code, §321.013, and §2101.011, and Government Code, Chapter 2161.

(b) To demonstrate good faith effort, a state agency shall provide the HUB coordinator with necessary and sufficient resources from its current operations and budget to effectively promote the achievement of all the responsibilities of the HUB coordinator. The HUB coordinator will assist its state agency in the development of the state agency's procurement specifications, [~~HUB~~] subcontracting plans, and evaluation of contracts for compliance. The HUB coordinator should be in a position that reports, communicates, and provides information directly to the state agency's executive director. To assist state agencies and the comptroller with HUB compliance, the duties and responsibilities of HUB coordinators include, but are not limited to, facilitating compliance with the state agency's good faith effort criteria, HUB reporting, contract administration, and marketing and outreach efforts for HUB participation. The comptroller may assist agencies, upon request, to identify other responsibilities of a HUB coordinator for compliance.

(c) The HUB coordinator shall carry out their duties on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law.

§20.298. Mentor-Protégé Program.

(a) The Mentor-Protégé Program is a program administered by the comptroller in accordance with Government Code, §2161.065, and implemented by state agencies. The purpose of the Mentor-Protégé Program is to foster long-term relationships between experienced contractors and HUBs and to increase the ability of HUBs to obtain and perform contracts and subcontracts for state agency business. Each state agency with a biennial appropriation that exceeds $10 million shall implement the Mentor-Protégé Program.

(b) Each state agency that implements the Mentor-Protégé program shall consider:

(1) the needs of protégé businesses requesting to be mentored;

(2) the availability of mentors who possess unique skills, talents, and experience related to the mission of the state agency's program; and

(3) the state agency's staff and other resources.

(c) Agencies may elect to implement the Mentor-Protégé Program individually or in cooperation with other agencies, public entities, or private organizations. Agencies are encouraged to implement a Mentor-Protégé Program to address the needs of protégé businesses in the following areas:

(1) construction;

(2) commodities; and

(3) services.

(d) State agencies may consider, but are not limited to, the following factors in developing their Mentor-Protégé Program:

(1) internal procedures, including an application process, regarding the Mentor-Protégé Program which identifies the eligibility criteria and the selection criteria for mentors and potential HUB protégé businesses;

(2) recruitment of contractor mentors and protégés;

(3) documentation of the roles and expectations of the state agency, the mentor and the protégé;

(4) monitoring progress of mentor-protégé relationships;

(5) key agency resources including senior managers and procurement personnel to assist with the implementation of the program;

(6) partnerships with local governmental and nonprofit entities;

(7) the appropriate length of time for mentor-protégé relationships to continue (generally limited to four years); and

[~~(8) guidance related to the Mentor-Protégé Program in the Disparity Study; and~~]

(8) [~~(9)~~] assessment of the effectiveness of their Mentor-Protégé Program by conducting periodic surveys and interviews of mentors and protégés.

(e) A state agency's Mentor-Protégé Program implementation must include mentor eligibility and selection criteria. In determining the eligibility and selection of a mentor, state agencies shall require each mentor to be registered on the Centralized Master Bidders List (CMBL); and may additionally consider the following criteria:

(1) whether the mentor has extensive work experience and can provide developmental guidance in areas that meet the needs of the protégé, including but not limited to, business, financial, and personnel management; technical matters such as production, inventory control and quality assurance; marketing; insurance; equipment and facilities; and other related resources;

(2) whether the mentor is in "good standing" with the State of Texas and is not in violation of any state statutes, rules or governing policies;

(3) whether the mentor has mentoring experience;

(4) the number of protégés that a mentor can appropriately assist;

(5) whether the mentor has a successful past work history with the state agency;

(6) the amount of time a HUB has participated as a mentor in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, current or former employees, or other resources that might indicate that they are related or affiliated businesses.

(f) A state agency's Mentor-Protégé Program implementation must include protégé eligibility and selection criteria. In determining the eligibility and selection of HUB protégés, state agencies may use the following criteria:

(1) whether the protégé is eligible and willing to become certified as a HUB;

(2) whether the protégé's business has been operational for at least one year;

(3) whether the protégé is willing to participate with a mentor and will identify the type of guidance that is needed for its development;

(4) whether the protégé is in "good standing" with the State of Texas and is not in violation of any state statutes, rules, or governing policies;

(5) whether the protégé is involved in a mentoring relationship with another contractor;

(6) the amount of time a HUB has participated as a protégé in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, employees, or other resources that might indicate that they are related or affiliated businesses.

(g) The mentor and the protégé should agree on the nature of their involvement under the state agency's Mentor-Protégé Program. The state agency will monitor the progress of the relationship. The mentor and protégé relationship should be reduced to writing and may include, but is not limited to, the following:

(1) identification of the developmental areas in which the protégé needs guidance;

(2) the time period which the developmental guidance will be provided by the mentor;

(3) points of contact that will oversee the agreement of the mentor and protégé;

(4) procedure for a mentor to notify the protégé in advance if it intends to withdraw from the program or terminate the mentor-protégé relationship;

(5) procedure for a protégé to notify the mentor in advance if it intends to terminate the mentor-protégé relationship; and

(6) a mutually agreed upon timeline to report the progress of the mentor-protégé relationship to the state agency.

(h) The protégé must maintain its HUB certification status for the duration of the agreement.

(i) Each state agency must notify its mentors and protégés that participation is voluntary. The notice must include written documentation that participation in the state agency's Mentor-Protégé Program implementation is neither a guarantee of a contract opportunity nor a promise of business; but the program's intent is to foster positive long-term business relationships.

(j) State agencies may demonstrate their good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request identifying the progress and testimonials of mentors and protégés that participate in the state agency's program.

(k) Each state agency that implements the Mentor-Protégé Program must report that information to the comptroller upon completion of a signed agreement by both parties. Information regarding the Mentor-Protégé Agreement shall be reported in a form prescribed by the comptroller within 21 calendar days after the agreement has been signed. The comptroller will register that agreement on the approved list of mentors and protégés. Approved Mentor-Protégé Agreements are valid for all state agencies in determining good faith effort for the particular area of subcontracting to be performed by the protégé as identified in the [~~HUB~~] subcontracting plan.

(l) The comptroller shall retain and make available to state agencies all registered Mentor-Protégé Agreements. The sponsoring state agency shall monitor and report the termination of an existing Mentor-Protégé Agreement that has been registered with the comptroller within 21 calendar days.

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 March 2, 2026.

TRD-202601062
Don Neal
General Counsel, Operations and Support Legal Services
Comptroller of Public Accounts
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-2220

♦ ♦ ♦

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.1, Definitions. This proposed amended rule conforms with the addition of Texas Government Code §411.3735 made by House Bill 33 (89R) by adding a nearly identical definition for public information officer. The proposed amended rule would also define administrative duty pay status, which would allow an agency to temporarily restrict a licensee's authority to act under an appointment without having to separate the licensee.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications

to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §411.3735 regarding the definition of a public information officer and the addition of a new pay status. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §411.3735 defines public information officer. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The amended rule as proposed affects or implements Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§211.1. Definitions.

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

(1) Academic alternative program--A program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools or its successors and the Texas Higher Education Coordinating Board, authorized by the commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

(2) Academic provider--A school, accredited by the Southern Association of Colleges and Schools or its successors and the Texas Higher Education Coordinating Board, which has been approved by the commission to provide basic licensing courses.

(3) Accredited college or university--An institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges or its successors, or an international college or university evaluated and accepted by a United States accredited college or university.

(4) Active--A license issued by the commission that meets the current requirements of licensure and training as determined by the commission.

(5) Administrative duty--A pay status for a licensee whose appointing entity has temporarily restricted the licensee's authority to act under that appointment.

(6) [~~(5)~~] Administrative Law Judge (ALJ)--An administrative law judge appointed by the chief administrative law judge of the State Office of Administrative Hearings.

(7) [~~(6)~~] Agency--A law enforcement unit or other entity, whether public or private, authorized by Texas law to appoint a person licensed or certified by the commission.

(8) [~~(7)~~] Appointed--Elected or commissioned by an agency as a peace officer, reserve or otherwise selected or assigned to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status.

(9) [~~(8)~~] Background investigation--An investigation completed by the enrolling or appointing entity into an applicant's personal history as set forth in §217.1(b)(10).

(10) [~~(9)~~] Basic licensing course--Any current commission developed course that is required before an individual may be licensed by the commission.

(11) [~~(10)~~] Certified copy--A true and correct copy of a document or record certified by the custodian of records of the submitting entity.

(12) [~~(11)~~] Chief administrator--The head or designee of a law enforcement agency.

(13) [~~(12)~~] Commission--The Texas Commission on Law Enforcement.

(14) [~~(13)~~] Commissioned--Has been given the legal power to act as a peace officer or reserve, whether elected, employed, or appointed.

(15) [~~(14)~~] Commissioners--The nine commission members appointed by the governor.

(16) [~~(15)~~] Contract jail--A correctional facility, operated by a county, municipality or private vendor, operating under a contract with a county or municipality, to house inmates convicted of offenses committed against the laws of another state of the United States, as provided by Texas Government Code, §511.0092.

(17) [~~(16)~~] Contract Jailer--A person licensed as a Jailer in a Contract Jail or employed by an agency outside of a County Jail whose employing agency provides services inside of a County Jail which would require the person to have a Jailer License.

(18) [~~(17)~~] Contractual training provider--A law enforcement agency or academy, a law enforcement association, alternative delivery trainer, distance education, academic alternative, or proprietary training provider that conducts specific education and training under a contract with the commission.

(19) [~~(18)~~] Convicted--Has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:

(A) the sentence is subsequently probated and the person is discharged from probation;

(B) the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(C) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

(20) [~~(19)~~] Community supervision--Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

(21) [~~(20)~~] Diploma mill--An entity that offers for a fee with little or no coursework, degrees, diplomas, or certificates that may be used to represent to the general public that the individual has successfully completed a program of secondary education or training.

(22) [~~(21)~~] Distance education--Study, at a distance, with an educational provider that conducts organized, formal learning opportunities for students. The instruction is offered wholly or primarily by distance study, through virtually any media. It may include the use of: videotapes, DVD, audio recordings, telephone and email communications, and Web-based delivery systems.

(23) [~~(22)~~] Duty ammunition--Ammunition required or permitted by the agency to be carried on duty.

(24) [~~(23)~~] Executive director--The executive director of the commission or any individual authorized to act on behalf of the executive director.

(25) [~~(24)~~] Experience--Includes each month, or part thereof, served as a peace officer, reserve, jailer, telecommunicator, or federal officer. Credit may, at the discretion of the executive director, be awarded for relevant experience from an out-of-state agency.

(26) [~~(25)~~] Family Violence--In this chapter, has the meaning assigned by Chapter 71, Texas Family Code.

(27) [~~(26)~~] Field training program--A program intended to facilitate a transition from the academic setting to the performance of the general duties of the appointing agency.

(28) [~~(27)~~] Firearms--Any handgun, shotgun, precision rifle, patrol rifle, or fully automatic weapon that is carried by the individual officer in an official capacity. Conducted energy devices (CEDs) are not firearms.

(29) [~~(28)~~] Firearms proficiency--Successful completion of the annual firearms proficiency requirements.

(30) [~~(29)~~] Fit for duty review--A formal specialized examination of an individual, appointed to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status, to determine if the appointee is able to safely and/or effectively perform essential job functions. The basis for these examinations should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment. Objective evidence may include direct observation, credible third party reports; or other reliable evidence. The review should come after other options have been deemed inappropriate in light of the facts of the case. The selected Texas licensed medical doctor or psychologist, who is familiar with the duties of the appointee, conducting an examination should be consulted to ensure that a review is indicated. This review may include psychological and/or medical fitness examinations.

(31) [~~(30)~~] Full-time peace officer--a peace officer who:

(A) works as a peace officer on average at least 32 hours per week, exclusive of paid vacation; and

(B) is compensated at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the appointing law enforcement agency or its governing body.

(32) [~~(31)~~] High School Diploma--An earned high school diploma from a United States high school, an accredited secondary school equivalent to that of United States high school, or a passing score on the general education development test indicating a high school graduation level. Documentation from diploma mills is not acceptable.

(33) [~~(32)~~] Home School Diploma--An earned diploma from a student who predominately receives instruction in a general elementary or secondary education program that is provided by the parent, or a person in parental authority, in or through the child's home. (Texas Education Code §29.916)

(34) [~~(33)~~] Honorably Retired Peace Officer--An unappointed person with a Texas Peace Officer license who has a cumulative total of 15 years of full-time service as a Peace Officer. An Honorably Retired Peace Officer does not carry any Peace Officer authority.

(35) [~~(34)~~] Individual--A human being who has been born and is or was alive.

(36) [~~(35)~~] Jailer--A person employed or appointed as a jailer under the provisions of the Local Government Code, §85.005, or Texas Government Code §511.0092.

(37) [~~(36)~~] Killed in the line of duty--A death that is the directly attributed result of a personal injury sustained in the line of duty.

(38) [~~(37)~~] Law--Including, but not limited to, the constitution or a statute of this state, or the United States; a written opinion of a court of record; a municipal ordinance; an order of a county com-

missioners' court; or a rule authorized by and lawfully adopted under a statute.

(39) [~~(38)~~] Law enforcement academy--A school operated by a governmental entity which may provide basic licensing courses and continuing education under contract with the commission.

(40) [~~(39)~~] Law enforcement automobile for training--A vehicle equipped to meet the requirements of an authorized emergency vehicle as identified by Texas Transportation Code §546.003 and §547.702.

(41) [~~(40)~~] Less lethal force weapon--A weapon designed or intended for use on individuals or groups of individuals which, in the course of expected or reasonably foreseen use, has a lower risk of causing death or serious injury than do firearms. Less lethal force weapons do not include firearms or other weapons whose expected or reasonably foreseen use would result in life-threatening injuries. Less lethal force weapons may include police batons, hand-held chemical irritants, chemical irritants dispersed at a distance, conducted electrical weapons, kinetic impact projectiles, water cannons, and acoustic weapons and equipment. An officer provided or equipped with a less lethal force weapon should be trained, qualified, or certified in its use.

(42) [~~(41)~~] Lesson plan--A plan of action consisting of a sequence of logically linked topics that together make positive learning experiences. Elements of a lesson plan include: measurable goals and objectives, content, a description of instructional methods, tests and activities, assessments and evaluations, and technologies utilized.

(43) [~~(42)~~] License--A license required by law or a state agency rule that must be obtained by an individual to engage in a particular business.

(44) [~~(43)~~] Licensee--An individual holding a license issued by the commission.

(45) [~~(44)~~] Line of duty--Any lawful and reasonable action, which an officer identified in Texas Government Code, Chapter 3105 is required or authorized by rule, condition of employment, or law to perform. The term includes an action by the individual at a social, ceremonial, athletic, or other function to which the individual is assigned by the individual's employer.

(46) [~~(45)~~] Moral character--The propensity on the part of a person to serve the public of the state in a fair, honest, and open manner.

(47) [~~(46)~~] Officer--A peace officer or reserve identified under the provisions of the Texas Occupations Code, §1701.001.

(48) [~~(47)~~] Part-time peace officer--a peace officer who:

(A) works as a peace officer on a regular basis but on average less than 32 hours per week, exclusive of paid vacation; and

(B) is compensated at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the appointing law enforcement agency or its governing body.

(49) [~~(48)~~] Patrol rifle--Any magazine-fed repeating rifle with iron/open sights or with a frame mounted optical enhancing sighting device, 5 power or less, that is carried by the individual officer in an official capacity.

(50) [~~(49)~~] Patrol vehicle--A vehicle equipped with emergency lights, siren, and the means to safely detain and transport a combative detainee.

(51) [~~(50)~~] Peace officer--A person elected, employed, or appointed as a peace officer under the provisions of the Texas Occupations Code, §1701.001.

(52) [~~(51)~~] Personal Identification Number (PID)--A unique computer-generated number assigned to individuals for identification in the commission's electronic database.

(53) [~~(52)~~] Placed on probation--Has received an adjudicated or deferred adjudication probation for a criminal offense.

(54) [~~(53)~~] POST--State or federal agency with jurisdiction similar to that of the commission, such as a peace officer standards and training agency.

(55) [~~(54)~~] Precision rifle--Any rifle with a frame mounted optical sighting device greater than 5 power that is carried by the individual officer in an official capacity.

(56) [~~(55)~~] Proprietary training contractor--An approved training contractor who has a proprietary interest in the intellectual property delivered.

(57) Public information officer (PIO)--An individual who is assigned by a state agency or local government entity and whose duties include communicating with the public during a disaster regarding the disaster.

(58) [~~(56)~~] Public security officer--A person employed or appointed as an armed security officer identified under the provisions of the Texas Occupations Code, §1701.001.

(59) [~~(57)~~] Reactivate--To make a license issued by the commission active after a license becomes inactive. A license becomes inactive at the end of the most recent unit or cycle in which the licensee is not appointed and has failed to complete legislatively required training.

(60) [~~(58)~~] Reinstate--To make a license issued by the commission active after disciplinary action or failure to obtain required continuing education.

(61) [~~(59)~~] Reserve law enforcement officer--a licensed peace officer appointed according to Section 37.0816, Education Code, Section 41.102 or 411.0208, Government Code, Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

(62) [~~(60)~~] School marshal--A person employed and appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, the governing body of a private school, or the governing board of a public junior college under Texas Code of Criminal Procedure, Article 2.127 and in accordance with and having the rights provided by Texas Education Code, §37.0811.

(63) [~~(61)~~] Self-assessment--Completion of the commission created process, which gathers information about a training or education program.

(64) [~~(62)~~] Separation--An explanation of the circumstances under which the person resigned, retired, or was terminated, reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, §1701.452.

(65) [~~(63)~~] SOAH--The State Office of Administrative Hearings.

(66) [~~(64)~~] Successful completion--A minimum of:

(A) 70 percent or better; or

(B) C or better; or

(C) pass, if offered as pass/fail.

(67) [~~(65)~~] Sustainable funding sources--Funding from an agency's governing body such as property tax, sales tax, use and

franchise fees, and the issuance of traffic citations subject to section 542.402 of the Texas Transportation Code. Term limited sources, such as grants, are not sustainable funding sources.

(68) [~~(66)~~] TCLEDDS--Texas Commission on Law Enforcement Data Distribution System.

(69) [~~(67)~~] Telecommunicator--A person employed as a telecommunicator under the provisions of the Texas Occupations Code, §1701.001.

(70) [~~(68)~~] Training coordinator--An individual, appointed by a commission-recognized training provider, who meets the requirements of §215.9 of this title.

(71) [~~(69)~~] Training cycle--A 48-month period as established by the commission. Each training cycle is composed of two contiguous 24-month units.

(72) [~~(70)~~] Training hours--Classroom or distance education hours reported in one-hour increments.

(73) [~~(71)~~] Training program--An organized collection of various resources recognized by the commission for providing preparatory or continuing training. This program includes, but is not limited to, learning goals and objectives, academic activities and exercises, lesson plans, exams, skills training, skill assessments, instructional and learning tools, and training requirements.

(74) [~~(72)~~] Training provider--A governmental body, law enforcement association, alternative delivery trainer, or proprietary entity credentialed by or authorized under a training provider contract with the commission to provide preparatory or continuing training for licensees or potential licensees.

(75) [~~(73)~~] Uniform--Dress that makes an officer immediately identifiable as a peace officer, to include a visible badge. Acceptable uniform dress must be defined in agency policy and consistent in its application and use across the agency.

(76) [~~(74)~~] Verification (verified)--The confirmation of the correctness, truth, or authenticity of a document, report, or information by sworn affidavit, oath, or deposition.

(b) The effective date of this section is June 1, 2026 [~~November 1, 2025~~].

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 February 27, 2026.

TRD-202601009
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

CHAPTER 217. ENROLLMENT, LICENSING, APPOINTMENT, AND SEPARATION

37 TAC §217.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §217.1, Minimum Standards for Enrollment and Initial Licensure. This proposed amended rule conforms with the amendments to Texas Occupations Code §55.004 made by Senate Bill 1818 (89R). The proposed amended rule would allow military service members, military veterans, and military spouses to obtain a provisional license while applying for a Commission license. The applicants would have to either hold a current license issued by another state that is similar in scope to a Commission license and be in good standing with the other state's licensing authority or have held a Commission license within the five years preceding the date of application. The provisional license would be effective for up to 180 days.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §55.004 to establish the provisional license process. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information

may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §55.004 establishes a process for military service members, military veterans, and military spouses to obtain a provisional license while applying for licensure. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as proposed affects or implements Texas Occupations Code §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§217.1. Minimum Standards for Enrollment and Initial Licensure.

(a) In order for an individual to enroll in any basic licensing course the provider must have on file documentation, acceptable to the Commission, that the individual meets eligibility for licensure.

(b) The commission shall issue a license to an applicant who meets the following standards:

(1) minimum age requirement:

(A) for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:

(i) an associate's degree; or 60 semester hours of credit from an accredited college or university; or

(ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;

(B) for jailers and telecommunicators is 18 years of age;

(2) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level;

(B) holds a high school diploma; or

(C) for enrollment purposes in a basic peace officer academy only, has an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;

(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

(4) has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;

(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;

(6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;

(7) has never been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;

(8) for peace officers, is not prohibited by state or federal law from operating a motor vehicle;

(9) for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;

(10) has been subjected to a background investigation completed by the enrolling or appointing entity into the applicant's personal history. A background investigation shall include, at a minimum, the following:

(A) An enrolling entity shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) verify that the applicant meets each individual requirement for licensure under this rule based on the personal history statement and any other information known to the enrolling entity; and

(iii) contact all previous enrolling entities.

(B) In addition to subparagraph (A) of this paragraph, a law enforcement agency or law enforcement agency academy shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) meet all requirements enacted in Occupations Code 1701.451, including submission to the Commission of a form confirming all requirements have been met. An in-person review of personnel records is acceptable in lieu of making the personnel records available electronically if a hiring agency and a previous employing law enforcement agency mutually agree to the in-person review.

(11) examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be:

(A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;

(B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(12) examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be

conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;

(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or

(B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(13) has never received a dishonorable discharge from the armed forces of the United States;

(14) has not had a commission license denied by final order or revoked;

(15) is not currently on suspension, or does not have a surrender of license currently in effect;

(16) meets the minimum training standards and passes the commission licensing examination for each license sought;

(17) is a U.S. citizen or is a legal permanent resident of the United States, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and presents evidence satisfactory to the commission that the person has applied for United States citizenship.

(c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:

(1) another penal provision of Texas law; or

(2) a penal provision of any other state, federal, military or foreign jurisdiction.

(d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

(e) A person must meet the training and examination requirements:

(1) training for the peace officer license consists of:

(A) the current basic peace officer course(s);

(B) a commission recognized, POST developed, basic law enforcement training course, to include:

(i) out of state licensure or certification; and

(ii) submission of the current eligibility application and fee; or

(C) a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.

(2) training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;

(3) training for the public security officer license consists of the current basic peace officer course(s);

(4) training for telecommunicator license consists of telecommunicator course; and

(5) passing any examination required for the license sought while the exam approval remains valid.

(f) On receipt of an application for a provisional license by an applicant who is a military service member, military veteran, or military spouse, the commission shall promptly issue a provisional license, consistent with Texas Occupations Code § 55.004.

(1) The applicant must:

(A) hold a current license issued by another state that is similar in scope of practice to the license applied for in this state and is in good standing with the other state's licensing authority; or

(B) within the five years preceding the application date have held the license in this state.

(2) A provisional license may not be reissued and expires on the earliest of:

(A) the date the commission issues a license to the provisional license holder;

(B) the date the applicant is determined to not meet the minimum standards for enrollment or initial licensure; or

(C) the 180th day after the date the provisional license is issued.

(g) [~~(f)~~] The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:

(1) 12 months from the original appointment date;

(2) on leaving the appointing agency; or

(3) on failure to comply with the terms stipulated in the provisional license approval.

(h) [~~(g)~~] The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer license expires:

(1) 12 months from the original appointment date;

(2) at the end of a six-month extension, if granted; or

(3) on completion of training and passing of the jailer licensing examination.

(i) [~~(h)~~] A person who has previously been issued a temporary jailer license and separated from that position may be subsequently appointed on a temporary basis as a county jailer at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(j) [~~(i)~~] A person who has cumulatively served as a county jailer on a temporary basis for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(k) [~~(j)~~] A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis.

(l) [~~(k)~~] The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code §1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:

(1) 12 months from the original appointment date; or

(2) on completion of training and passing of the telecommunicator licensing examination. On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.

(m) [~~(l)~~] A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.

(n) [~~(m)~~] The effective date of this section is June 1, 2026 [~~April 1, 2024~~].

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 February 27, 2026.

TRD-202601010
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

CHAPTER 219. PRELICENSING, REACTIVATION, TESTS, AND ENDORSEMENTS

37 TAC §219.11

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §219.11, Reactivation of a License. The proposed amended rule would clarify the existing requirement that the reactivation prerequisites are determined by the number of years since the licensee's last full-time service appointment.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by clarifying existing requirements for reactivation of a license. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactiva-

tion of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.316 requires the Commission to adopt rules establishing requirements for the reactivation of a peace officer's license. Texas Occupations Code §1701.3161 requires the Commission to adopt rules establishing requirements for the reactivation of a retired peace officer's license.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactivation of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. No other code, article, or statute is affected by this proposal.

§219.11. Reactivation of a License.

(a) The commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:

(1) was not appointed at the end of the unit or cycle; and

(2) did not meet continuing education requirements.

(b) The holder of an inactive license is unlicensed for all purposes.

(c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.

(d) The requirements to reactivate a license for a peace officer with less than 10 years of full-time service are:

(1) If not appointed within two, but less than five, years from initial licensure:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, a supplemental peace officer training course, and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(2) If not appointed within five years of initial licensure:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

(D) make application and submit any required fee(s); and

(E) pass the licensing exam.

(3) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(4) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements and a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(5) If more than five years but less than ten years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, a supplemental peace officer training course, and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(6) Ten years or more from last full-time service appointment:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

(D) make application and submit any required fee(s); and

(E) pass the licensing exam.

(e) The requirements to reactivate a license for a peace officer with 10 years but less than 15 years of full-time service are:

(1) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(3) If more than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(f) Unless exempted by Texas Occupations Code Section 1701.356, the requirements to reactivate a license for an honorably retired peace officer are:

(1) meet current licensing standards;

(2) meet current continuing education requirements; and

(3) make application and submit any required fee(s).

(g) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under Chapter 227 of this title.

(h) The requirements to reactivate a jailer or telecommunicator license are:

(1) If less than two years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If more than two years but less than five years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(3) If more than five years from last appointment:

(A) meet current licensing standards;

(B) successfully complete the applicable basic licensing course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(i) The effective date of this section is June 1, 2026 [~~June 1, 2022~~].

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 February 27, 2026.

TRD-202601011

Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

CHAPTER 221. PROFICIENCY CERTIFICATES

37 TAC §221.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.1, Proficiency Certificate Requirements. This proposed amended rule conforms with the additions of Texas Government Code §§411.3735 and 418.333 made by House Bill 33 (89R). The proposed amended rule would exempt applicants for the public information officer certificate from needing a license or appointment to obtain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §§411.3735 and 418.333 regarding the public information officer certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §411.3735 requires certain agencies to have a public information officer obtain the public information officer certificate. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The amended rule as proposed affects or implements Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.1. Proficiency Certificate Requirements.

(a) The commission shall issue proficiency certificates in accordance with the Texas Occupations Code §1701.402. Commission certificates issued pursuant to §1701.402 are neither required nor a prerequisite for establishing proficiency or training. The commission shall give credit toward proficiency certification for successful completion of hours or degrees at accredited colleges and universities or for military service.

(b) To qualify for proficiency certificates, applicants must meet all the following proficiency requirements:

(1) submit any required application currently prescribed by the commission, requested documentation, and any required fee;

(2) have an active license or appointment for the corresponding certificate (not a requirement for Mental Health Officer Proficiency, Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency, Firearms Instructor Proficiency, Firearms Proficiency for Community Supervision Officers, Firearms Proficiency for Juvenile Probation Officers, [~~or~~] Instructor Proficiency, or Public Information Officer Certificate);

(3) must not have license(s) under suspension by the commission within the previous 5 years;

(4) meet the continuing education requirements for the previous training cycle;

(5) for firearms related certificates, not be prohibited by state or federal law or rule from attending training related to firearms or from possessing a firearm; and

(6) academic degree(s) must be issued by an accredited college or university.

(c) The commission may refuse an application if:

(1) an applicant has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) an applicant has not affixed any required signature;

(3) required forms are incomplete;

(4) required documentation is incomplete, illegible, or is not attached; or

(5) an application contains a false assertion by any person.

(d) The commission shall cancel and recall any certificate if the applicant was not qualified for its issue and it was issued:

(1) by mistake of the commission or an agency; or

(2) based on false or incorrect information provided by the agency or applicant.

(e) If an application is found to be false, any license or certificate issued to the appointee by the commission will be subject to cancellation and recall.

(f) The issuance date of a proficiency certificate may be changed upon submission of an application along with documentation supporting the proposed date of eligibility and payment of any required fee.

(g) The effective date of this section is June 1, 2026 [~~February 1, 2020~~].

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 February 27, 2026.

TRD-202601012
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

37 TAC §221.12

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.12, Mental Health Telecommunicator Proficiency. The proposed new rule would establish a mental health proficiency certificate for telecommunicators. This proficiency certificate would be similar in function to the mental health officer proficiency certificate for peace officers, county jailers, and justices of the peace from 37 Texas Administrative Code §221.11, Mental Health Officer Proficiency. This optional certificate would provide telecommunicators with relevant mental health training to better perform their job duties and responsibilities.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state

or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by allowing telecommunicators to obtain a mental health proficiency certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The new rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.12. Mental Health Telecommunicator Proficiency.

(a) To qualify for a mental health telecommunicator proficiency certificate, an applicant must meet the following requirements:

(1) be currently appointed as a telecommunicator;

(2) have at least two years of experience as a telecommunicator;

(3) have never had a license or certificate issued by the commission suspended or revoked;

(4) have met the continuing education requirements for the previous training unit; and

(5) successfully complete at least 16 hours of commission-approved instruction covering crisis triage, de-escalation, referral protocols and coordination with 988, telecommunicator wellness, and documentation practices.

(b) The effective date of this section is June 1, 2026.

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

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

TRD-202601014
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

37 TAC §221.33

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.33, SFST Instructor Proficiency. The proposed amended rule would update the rule to the current requirements and terminology for obtaining and requalifying for a standardized field sobriety testing instructor proficiency certificate. It would also clarify the requirements for requalifying for the certificate and that the certificate is required to instruct the SFST Practitioner BPOC Course, the SFST Practitioner Course, the SFST Practitioner Refresher Course, the SFST Instructor Refresher Course, or the SFST Instructor Course.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by updating and clarifying requirements for the standardized field sobriety testing instructor proficiency certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.33. Standardized Field Sobriety Testing [~~SFST~~] Instructor Proficiency.

(a) To qualify for a standardized field sobriety testing (SFST) instructor proficiency certificate, an applicant must meet all proficiency requirements including:

(1) successful completion of the NHTSA SFST Practitioner course;

(2) at least three years of [~~years'~~] experience as an SFST practitioner;

(3) current instructor license or certificate issued by the commission;

(4) successful completion of the commission-approved SFST Instructor Course or Drug Recognition Expert (DRE) Instructor Course;

(5) completion of a commission-approved [~~an~~] SFST Instructor Refresher [~~Update~~] Course or DRE Refresher [~~Update~~] Course within the last two [~~(2)~~] years;

(6) demonstrated proficiency in administration of SFST before a certified SFST instructor [~~Instructor~~] or NHTSA representative; and

(7) submit a completed application, in the format currently prescribed by the commission, and any required fee.

(b) An SFST instructor [~~Instructor~~] proficiency certificate will be valid for two [~~(2)~~] years from date of issue. After that time period, the applicant must requalify by: [~~re-qualify.~~]

(1) completing a commission-approved SFST Instructor Refresher Course; and

(2) demonstrating proficiency in the administration of a standardized field sobriety test before a certified SFST instructor or NHTSA representative.

(c) This certificate is required to instruct the SFST Practitioner BPOC Course, SFST Practitioner Course, SFST Practitioner Refresher Course, SFST Instructor Refresher Course, or SFST Instructor Course.

(d) [~~(c)~~] The effective date of this section is June 1, 2026 [~~February 24, 2011~~].

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 February 27, 2026.

TRD-202601013
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

37 TAC §221.48

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.48, Public Information Officer Certificate. This proposed new rule conforms with the addition of Texas Government Code §418.333 made by House Bill 33 (89R). The proposed new rule would establish the requirements for obtaining and maintaining a public information officer certificate. It would include successful completion of an initial course to obtain the certificate and annual continuing education to maintain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §418.333 to establish the public information officer certifi-

cation process. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

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

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

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

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

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

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

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

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The new rule as proposed affects or implements Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.48. Public Information Officer Certificate.

(a) To obtain a public information officer (PIO) certificate, an applicant must:

(1) successfully complete an initial PIO course approved by the commission; and

(2) report completion of this course to the commission.

(b) A certificate is valid for one year.

(c) To keep the certificate valid, the holder must successfully complete a PIO continuing education course prior to each anniversary of the issuance of the certificate.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under subsection (a) of this section.

(e) The effective date of this section is June 1, 2026.

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

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

TRD-202601015
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

♦ ♦ ♦

PART 9. TEXAS COMMISSION ON JAIL STANDARDS

CHAPTER 259. NEW CONSTRUCTION RULES

SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.117

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.117 Inmate Entrance in county jails. The proposed rule adds language to 37 TAC §259.117 that adds the design requirement that adjacent space be provided for immediate medical and mental health screening in jail construction. This requirement only applies to new construction.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be allowing an area for a more private intake screening of sensitive topics. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program,

create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.117. Inmate Entrance.

The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used. Adjacent space should be provided for immediate medical and mental health screening activities.

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 February 25, 2026.

TRD-202600906
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.123

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.123 Kitchen in county jails. The proposed rule adds language to 37 TAC §259.123 that changes "covered" to "coved" at the suggestion of subject matter experts, and deletes the word "disagreeable" regarding odors also at the suggestion of subject matter experts.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in building requirements of county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.123. Kitchen.

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following:

(1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.

(2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.

(3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be coved [~~covered~~]. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.

(4) Light. Adequate lighting shall be provided on all work surfaces.

(5) Ventilation. Food service areas shall be adequately ventilated to control [~~disagreeable~~] odors and moisture. All openings to the outside shall be secured and provided with insect screens.

(6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.

(7) Codes. Kitchens shall comply with state health codes.

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 February 25, 2026.

TRD-202600907

Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.141

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.141 Dimensions in county jails. The proposed rule adds language to 37 TAC §259.141 that changes the dimensional requirements of cells and day rooms to conform with the International Building Code. This change will apply only to new construction.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jail construction matches accepted building standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas, 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.141. Dimensions.

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and seven feet [~~five feet-six inches~~] from wall to wall, in accordance with International Building Code. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

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 February 25, 2026.

TRD-202600908
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.151

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.151 Detention Doors in county jails. The proposed rule adds language to 37 TAC §259.151 that removes the specifications for how detention doors outside the security perimeter are constructed.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jail construction meets accepted standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.151. Detention Doors.

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. [~~Eighteen gauge hollow metal doors may be used outside the security perimeter.~~] Plate doors shall be constructed of material not less than 3/16 inches thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 32 [~~28~~] inches in clear width and not less than six feet-eight inches high.

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 February 25, 2026.

TRD-202600909
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.153

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.153 Door Closers in county jails. The proposed rule adds language to 37 TAC §259.153 that clarifies the rule better than the current rule as written.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in construction requirements of county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.153. Door Closers.

All detention swinging doors shall be equipped with an appropriate door closer [~~Door closers for all detention swinging doors shall be appropriate for the weight of the door~~].

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 February 25, 2026.

TRD-202600910
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.168

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.168 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.168 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.168. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

TRD-202600911
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

SUBCHAPTER C. NEW LOCKUP DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.264

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.264 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.264 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.264. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

TRD-202600912
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

SUBCHAPTER D. NEW MEDIUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.358

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.358 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.358 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum stan-

dards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.358. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

TRD-202600913
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

SUBCHAPTER E. NEW MINIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.454

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.454 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.454 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.454. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

TRD-202600914
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

SUBCHAPTER H. NEW LONG-TERM INCARCERATION DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.737

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.737 Dormitories in county jails. The proposed rule adds language to 37 TAC §259.737 that adds direct supervision language.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jails house inmates appropriate to the supervision style used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.737. Dormitories.

Dormitories shall contain 9 to 48 bunks. Dormitories operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.

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 February 25, 2026.

TRD-202600915
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §259.770

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.770 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.770 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.770. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

TRD-202600916
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

CHAPTER 263. LIFE SAFETY RULES
SUBCHAPTER D. PLANS AND DRILLS FOR EMERGENCIES

37 TAC §263.40

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.40 Plans regarding life safety in county jails. The proposed rule adds language to 37 TAC §263.40 that requires each Sheriff/operator to develop, submit for approval, and implement a plan that specifies an agreed upon charge for self contained breathing apparatus air tanks between the county and a certified fire marshal. This proposed rule comes from a public petition for changes to minimum jail standards.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved safety protocols for county jail staff. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas, 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§263.40. Plans.

Each facility shall have and implement a written plan, approved by the commission, for escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and any other emergencies. Each plan shall provide for:

(1) use and response to alarms;

(2) notification of and access for:

(A) fire department;

(B) emergency medical service;

(C) other law enforcement officials;

(3) isolation of emergency areas;

(4) prompt release and evacuation of emergency areas (including non-ambulatory inmates);

(5) prevention of escapes during evacuations;

(6) fire suppression and extinguishment, rendering of prompt medical aid and quelling disturbances;

(7) protection of staff during emergencies;[.]

(8) a commission approved Self-Contained Breathing Apparatus (SCBA) plan that specifies the agreed upon charge for air tanks and has been coordinated with a certified Fire Marshal.

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 February 25, 2026.

TRD-202600905
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

CHAPTER 269. RECORDS AND PROCEDURES

SUBCHAPTER A. GENERAL

37 TAC §269.3

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §269.3 Weapon/Ammunition Procedures in county jails. The proposed rule adds language to 37 TAC §269.3 that requires each Sheriff/operator to develop, submit, and implement a plan that specifies the weapons allowed within the security perimeter of a jail. This change is proposed due to the classification of the TASER 10 as a firearm by the Bureau of Alcohol, Tobacco, and Firearms ruling.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved flexibility in equipping County jail staff. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§269.3. Weapons/Ammunition Procedure.

Each sheriff/operator shall develop, submit, and implement a Weapon and Ammunition Procedure approved by the Texas Commission on Jail Standards not later than July 1, 2026. The weapon ammunition procedure shall include, at a minimum, the following components: Weapon Classification. A list of approved weapons permitted inside the jail (e.g., tasers, OC spray, batons) and how they will be stored when within the secured perimeter. [~~Weapons shall not be permitted beyond the security perimeter. Ammunition should not be permitted beyond the security perimeter. Each facility shall have and implement a written policy available for commission review regarding ammunition.~~]

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 February 25, 2026.

TRD-202600902
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

CHAPTER 275. SUPERVISION OF INMATES

37 TAC §275.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §275.1 Regular Observation by Corrections Officers in county jails. The proposed rule adds language to 37 TAC §275.1 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in the administrative rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§275.1. Regular Observation by Jailers.

Every facility shall have the appropriate number of jailers at the facility 24 hours each day. Facilities shall have an established procedure for documented, face-to-face observation of all inmates by jailers no less than once every 60 minutes. Observation shall be performed at least every 30 minutes in areas where inmates known to be assaultive, potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. There shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, bailiffs, and designated staff at all times. Video monitoring [~~Closed circuit television~~] may be used, but not in lieu of the required personal observation. Electronic sensors or cameras capable of recording the required personal observations of inmates in high-risk cells or groups of cells shall be installed no later than August 31, 2020.

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 February 25, 2026.

TRD-202600903
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦

37 TAC §275.7

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §275.7 Supervision Outside the Security Perimeter- Court Holding Cells in county jails. The proposed rule adds language to 37 TAC §275.7 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in the administrative rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§275.7. Supervision Outside the Security Perimeter--Court Holding Cells.

Inmates shall be observed by a peace officer or a jailer licensed by the Texas Commission on Law Enforcement or bailiff when outside the security perimeter in court holding cells. The sheriff/operator shall have an established procedure for documented, face-to-face observation of all inmates no less than once every 30 minutes. One jailer, licensed peace officer, or bailiff shall be provided on each floor where 10 or more inmates are detained, with no less than one jailer, licensed peace officer, or bailiff per 48 inmates or increment thereof on each floor for direct inmate supervision. Where required, there shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, or bailiffs at all times. Video monitoring [~~Closed circuit television~~] may be used, but not in lieu of the required personal observation.

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 February 25, 2026.

TRD-202600904
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦