TEXAS REGISTER

Volume 51 Number 20 *May 15, 2026* *Pages 3181 – 3468*



In This Issue

GOVERNOR

Appointments....3187

Proclamation 41-4279....3187

Proclamation 41-4280....3187

PROPOSED RULES

TEXAS EDUCATION AGENCY

ADAPTATIONS FOR SPECIAL POPULATIONS

19 TAC §89.1005....3190

19 TAC §89.1040, §89.1075....3193

19 TAC §89.1092, §89.1094....3198

19 TAC §89.1092, §89.1094....3199

19 TAC §89.1121, §89.1125....3204

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR ENGLISH LANGUAGE ARTS AND READING

19 TAC §110.10....3207

19 TAC §110.30....3208

19 TAC §110.70....3209

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SOCIAL STUDIES

19 TAC §§113.1 - 113.6....3212

19 TAC §§113.21 - 113.23....3234

19 TAC §§113.24, 113.25, 113.27 - 113.29, 113.32 - 113.39....3248

19 TAC §113.127....3289

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SPANISH LANGUAGE ARTS AND READING AND ENGLISH AS A SECOND LANGUAGE

19 TAC §128.10....3290

19 TAC §128.30....3291

19 TAC §128.70....3292

SCHOOL DISTRICT PERSONNEL

19 TAC §153.1201, §153.1253....3293

TEXAS MEDICAL BOARD

OFFICE-BASED ANESTHESIA SERVICES

22 TAC §§173.6 - 173.18....3297

TEXAS FUNERAL SERVICE COMMISSION

LICENSING AND ENFORCEMENT--SPECIFIC SUBSTANTIVE RULES

22 TAC §203.36....3301

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

22 TAC §206.9....3302

HEALTH AND HUMAN SERVICES COMMISSION

STATE FACILITY BUSINESS OPERATIONS

26 TAC §§910.301, 910.303, 910.305, 910.307....3304

TEXAS DEPARTMENT OF INSURANCE

LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES

28 TAC §§3.3309, 3.3312, 3.3324....3306

PROPERTY AND CASUALTY INSURANCE

28 TAC §5.9970, §5.9971....3315

INDEPENDENT REVIEW ORGANIZATIONS

28 TAC §12.601....3318

LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

28 TAC §19.1006, §19.1028....3325

28 TAC §§19.1702, 19.1705, 19.1706, 19.1709, 19.1710....3328

28 TAC §§19.1730 - 19.1734....3330

28 TAC §19.1801, §19.1803....3335

28 TAC §§19.2005, 19.2006, 19.2009, 19.2010....3336

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

USE OF RECLAIMED WATER

30 TAC §210.54....3339

[~~DOMESTIC~~] WASTEWATER EFFLUENT LIMITATIONS [~~LIMITATION~~] AND PLANT SITING

30 TAC §309.1....3344

30 TAC §§309.10, 309.11, 309.13....3345

30 TAC §309.20....3347

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

OPERATIONAL RULES

31 TAC §675.20, §675.23....3349

COMPTROLLER OF PUBLIC ACCOUNTS

PROPERTY TAX ADMINISTRATION

34 TAC §§9.4202, 9.4209, 9.4210....3354

34 TAC §9.4223....3355

34 TAC §9.4240, §9.4244....3356

STATEWIDE PROCUREMENT AND SUPPORT SERVICES

34 TAC §20.235....3358

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHILD PROTECTIVE SERVICES

40 TAC §700.1630 3358

TEXAS DEPARTMENT OF TRANSPORTATION

RAIL FACILITIES

43 TAC §§7.160 - 7.173 3360

AVIATION

43 TAC §§30.202, 30.203, 30.206, 30.210 3363

43 TAC §30.502, §30.503 3367

WITHDRAWN RULES

TEXAS MEDICAL BOARD

OFFICE-BASED ANESTHESIA SERVICES

22 TAC §§173.6 - 173.15 3369

ADOPTED RULES

OFFICE OF THE ATTORNEY GENERAL

MUNICIPAL SECURITIES

1 TAC §53.2, §53.16 3371

TEXAS EDUCATION AGENCY

CURRICULUM REQUIREMENTS

19 TAC §74.1005 3372

DEPARTMENT OF STATE HEALTH SERVICES

MOBILE FOOD VENDORS

25 TAC §226.1, §226.2 3378

25 TAC §226.3 3380

25 TAC §226.4 3380

25 TAC §226.6 3381

25 TAC §226.8 3383

COMPTROLLER OF PUBLIC ACCOUNTS

STATEWIDE PROCUREMENT AND SUPPORT SERVICES

34 TAC §20.381 3384

TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LICENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1 3385

TEXAS DEPARTMENT OF TRANSPORTATION

CONTRACT AND GRANT MANAGEMENT

43 TAC §§9.12 - 9.15, 9.17 3386

OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

43 TAC §28.11, §28.12 3387

RULE REVIEW

Proposed Rule Reviews

Texas Education Agency 3389

Adopted Rule Reviews

Texas Health and Human Services Commission 3389

Texas Department of Transportation 3390

TABLES AND GRAPHICS

..... 3391

IN ADDITION

Office of Consumer Credit Commissioner

Notice of Rate Ceilings 3437

Texas Commission on Environmental Quality

Agreed Orders 3437

Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application Permit for Municipal Wastewater New Permit No. WQ0016789001 3440

Enforcement Orders 3442

Enforcement Orders 3443

Notice of District Petition - D-03062026-011 3446

Notice of District Petition - D-04082026-028 3446

Notice of District Petition - D-04102026-022 3447

Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action 3448

Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions 3448

Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions 3449

Notice of Public Hearing on Proposed Revisions to 30 TAC Chapters 210 And 309 3449

Notice of Public Meeting for TPDES Permit for Municipal Wastewater Renewal Permit No. WQ0011845005 3450

Notice of Public Meeting Proposed Air Quality Permit Numbers 181895, PSDTX1684, and GHGPSDTX260 3451

Notice of Water Quality Application - Minor Amendment WQ0010053009 3452

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program 3452

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid Payment Rates 3453

Public Notice - Texas State Plan for Medical Assistance Amendment 3454

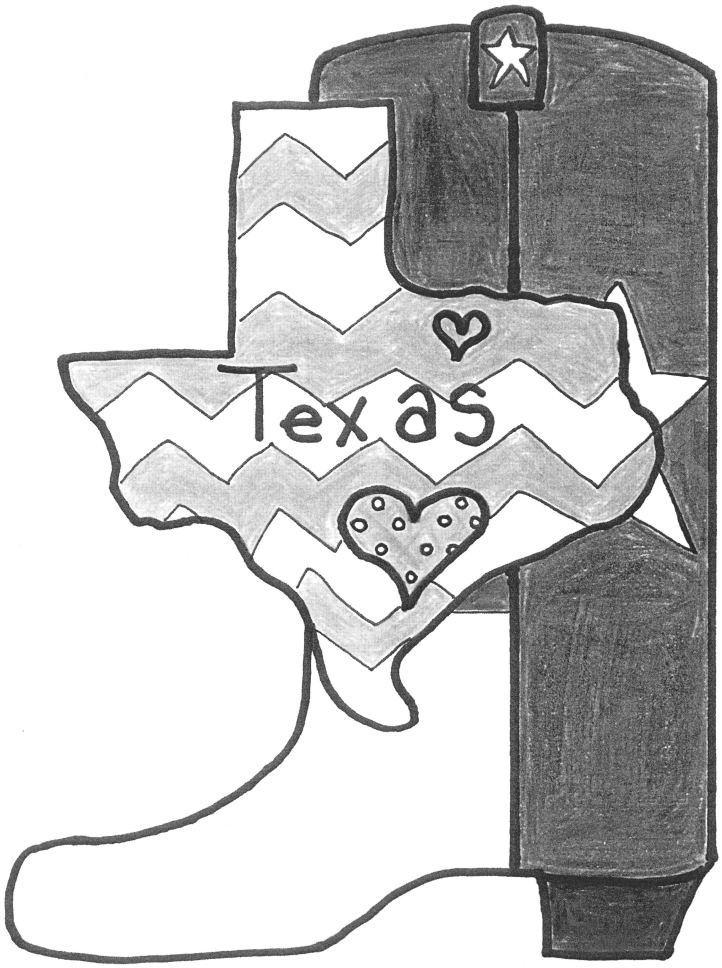
Texas Department of Insurance

Company Licensing 3454

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2733 "MEGA CASH!".....3455

Scratch Ticket Game Number 2745 "AIRSTREAM® DREAM" .3461


Texas

THE GOVERNOR

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

Appointments

Appointments for April 30, 2026

Appointed as the presiding officer of the North East Regional Mobility Authority for a term to expire February 1, 2028, Gary N. Halbrooks of Bullard, Texas (Mr. Halbrooks is being reappointed).

Appointments for May 4, 2026

Appointed as Judge of the 213th Judicial District, Tarrant County for a term to expire December 31, 2026, Michael J. "Mike" Ferry of Fort Worth, Texas (replacing Judge Christopher R. "Chris" Wolfe of Fort Worth who resigned).

Appointments for May 5, 2026

Appointed as presiding officer of the Texas State Board of Social Worker Examiners for a term to expire at the pleasure of the Governor, Jason L. Bernal of New Braunfels, Texas (replacing Brian C. Brumley of Sumner).

Appointments for May 6, 2026

Appointed as Judge of the 156th Judicial District, Aransas, Bee, Live Oak, McMullen and San Patricio Counties for a term to expire December 31, 2026, Boyd W. Bauer of Beeville, Texas (replacing Judge Patrick L. Flanigan of Sinton who resigned).

Greg Abbott, Governor

TRD-202601923

♦ ♦ ♦

Proclamation 41-4279

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on January 29, 2026, certifying under Section 418.014 of the Texas Government Code that the spread of New World screwworm northward from Mexico toward the U.S. southern border threatens Texas' livestock industry and economy and poses an imminent threat of widespread and severe property damage for all Texas counties; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamation;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a state of disaster for all Texas counties. All orders, directions, suspensions, and authorizations provided in the Proclamation of January 29, 2026, as renewed, are in full force and effect.

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of April, 2026.

Greg Abbott, Governor

TRD-202601846

♦ ♦ ♦

Proclamation 41-4280

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on April 27, 2026, certifying that the severe storms event that began on April 24, 2026, which included heavy rainfall, flash flooding, hazardous wind gusts, large hail, and tornadoes, is causing widespread and severe property damage, injury, or loss of life in Lamar, Parker, and Wise Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Palo Pinto County as well as the previously listed counties.

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

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

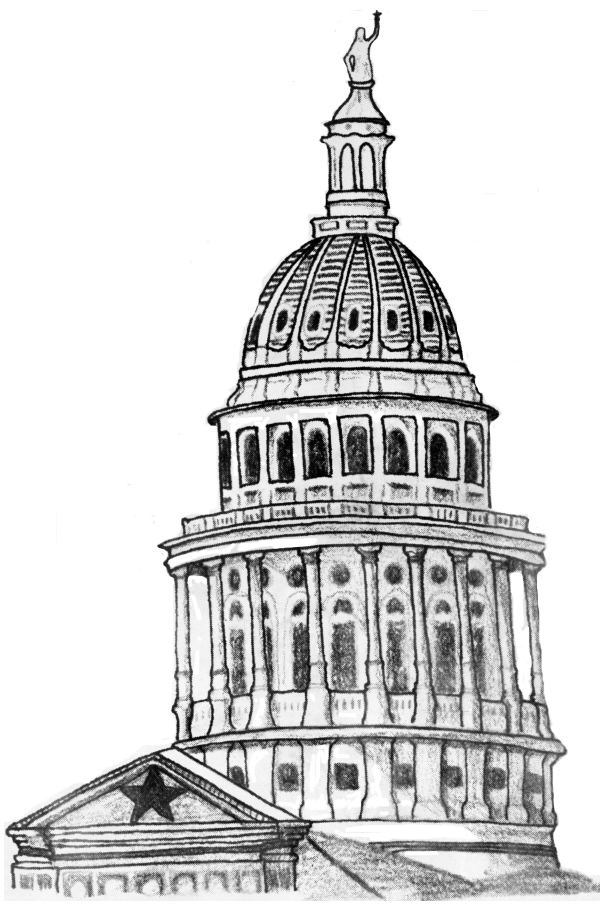
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 1st day of May, 2026.

Greg Abbott, Governor

TRD-202601901

♦ ♦ ♦



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 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

The Texas Education Agency (TEA) proposes amendments to §§89.1005, 89.1040, 89.1075, 89.1121, and 89.1125; the repeal of §89.1092 and §89.1094; and new §89.1092 and §89.1094, concerning special education services. The proposed revisions would clarify and align requirements related to instructional arrangements, eligibility and placement, general program operations, and the distribution and allowable use of state special education funds and would update approval, oversight, reporting, and funding requirements for residential and day placement programs to align with House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The proposed amendment to §89.1005 would update provisions governing instructional arrangements and educational environments to align with the revised state special education funding framework enacted by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025. The proposed amendment would update terminology, clarify transition-period reporting requirements, and specify how admission, review, and dismissal (ARD) committee placement decisions are reported through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) to support consistent statewide reporting under the revised funding framework.

The proposed amendment to §89.1040 would update eligibility criteria for special education and related services to support consistent statewide implementation. To improve clarity, the proposed amendment would address evaluation procedures and eligibility determinations, including requirements for full individual and initial evaluations and reevaluations. Together, the proposed changes would strengthen consistent and accurate identification of students eligible for special education and related services across the state.

The proposed amendment to §89.1075 would address general program requirements and local district procedures to support consistent statewide implementation. The proposed amendment would update statutory cross references, clarify documentation and contracting requirements, revise the timeline for providing prior written notice to parents, and specify training requirements for district transition and employment designees.

Section 89.1092 would be repealed and proposed as a new rule. The new rule would reorganize and clarify requirements applicable to residential placement programs used to provide free appropriate public education (FAPE) to students with disabilities. The new language would also clarify approval, reapproval, and monitoring requirements for providers; distinguish between ARD committee-placed and non-ARD committee-placed residential placements; and update requirements related to contracts, onsite monitoring, notice to TEA, and funding. Funding and reporting provisions would be aligned with statutory changes enacted by HB 2 and SB 569, 89th Texas Legislature, Regular Session, 2025, while other revisions would clarify existing oversight and procedural expectations specific to residential placements.

Section 89.1094 would be repealed and proposed as a new rule. The new rule would revise the structure and oversight of public and private day placement programs used to provide FAPE. The new language would also clarify distinctions between district-operated, non-district-operated, and private day placement programs; refine approval, reapproval, and monitoring requirements for program administrators and providers; and update contracting, onsite reviews, notice, and funding eligibility provisions. The provisions would align day placement program requirements with HB 2 and SB 569, 89th Texas Legislature, Regular Session, 2025, by reflecting the revised state special education funding framework and eligibility for the day placement allotment, while also organizing and clarifying existing administrative and procedural requirements.

The proposed amendment to §89.1121 would update the distribution of state special education funds to reflect the transition from instructional arrangements to tiers and service groups in accordance with HB 2 and SB 569, 89th Texas Legislature, Regular Session, 2025. The amendment would require state special education funding to be based on assigned tiers and service groups under Texas Education Code (TEC), §48.102 and §48.1021; establish transition-year funding for the 2026-2027 school year under TEC, §48.1022; and clarify reporting through the Student Attendance Accounting Handbook adopted under 19 TAC §129.1025. These changes would support consistent statewide implementation of the tier- and service group-based funding structure.

The proposed amendment to §89.1125 would clarify how state special education funds may be used under the revised funding framework enacted by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025. The proposed amendment would specify permissible uses of state special education funds and reinforce that such funds must be used to support special education and related services in accordance with students' individualized education program and applicable funding requirements. The proposed changes would promote transparency, consistency, and compliance in the use of state special education funds.

FISCAL IMPACT: Jennifer Alexander, associate commissioner for special populations and student supports, has determined

that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations and expand, limit, and repeal existing regulations by updating provisions related to instructional arrangements and educational environments; clarifying eligibility and evaluation requirements for special education services; revising approval, oversight, and monitoring requirements for residential placement programs and day placement programs; aligning the distribution and allowable use of state special education funds with the revised tier- and service group-based funding framework; and making technical and clarifying updates to general program requirements, including notice timelines, contracting provisions, and transition and employment designee training requirements.

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 increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Alexander has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to improve clarity, consistency, and transparency in the statewide administration of special education. The changes would support more uniform reporting and interpretation of placement decisions, better alignment with the revised special education funding framework, and more consistent identification and evaluation of students eligible for special education services. The revisions would also strengthen oversight and accountability for residential and day placement programs, helping ensure placements are used appropriately to provide FAPE and to support continuity of services for students. In addition, the revisions would promote clearer and more accountable use of state special education funds by supporting consistent implementation of tier- and service group-based funding and clarifying allowable expenditures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: While school districts, including open-enrollment charter schools, currently report instructional arrangements for students receiving special education services, the proposed revisions introduce new required reporting elements and distinctions that constitute a data reporting impact. Beginning with the 2026-2027 school year, districts will be required to report student placement decisions using the educational environment data element, rather than instructional setting, and to report newly established tier and service group(s) aligned to funding under TEC, §48.102 and §48.1021. In addition, the rules would require districts to distinguish between ARD committee-placed and non-ARD committee-placed residential placements, as well as between public and private day placement programs, for TSDS PEIMS reporting purposes. Although these reporting requirements build on existing placement concepts, they represent new data elements, categorizations, and reporting obligations that districts must implement to comply with the proposed rules.

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

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins May 15, 2026, and ends June 15, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/. Public hearings will be conducted to solicit testimony and input on the proposed revisions at 9:30 a.m. on June 4 and 5, 2026. The public may participate in either hearing virtually by linking to the hearing at https://us02web.zoom.us/j/88479172452. Anyone wishing to testify must be present at 9:30 a.m. and indicate to TEA staff their intent to comment and are encouraged to also send written testimony to sped@tea.texas.gov. Each hearing will conclude once all who have signed in have been given the opportunity to comment. Questions about the hearing should be directed to Derek Hollingsworth, Special Populations Policy and Compliance, Derek.Hollingsworth@tea.texas.gov.

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING SPECIAL EDUCATION SERVICES

DIVISION 1. GENERAL PROVISIONS

19 TAC §89.1005

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §29.001, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for the implementation of special education law; TEC, §29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for a full individual and initial evaluation; TEC, §29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which

establishes contracts for services to students with disabilities in a residential or day placement program; TEC, §29.011, which establishes transition planning; TEC, §29.026, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes rulemaking authority for the commissioner as necessary to implement TEC, Chapter 29, Subchapter A; TEC, §48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the funding framework for students receiving special education services under the Foundation School Program; TEC, §48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education service groups used in determining funding under the Foundation School Program; TEC, §48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education transition year funding; TEC, §48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes day placement program or cooperative funding; 34 CFR, §300.101, which establishes the requirement that free appropriate public education (FAPE) be available to all eligible children with disabilities; 34 CFR, §§300.114-300.118, which establish least restrictive environment requirements, including placement decisions and the provision of services in settings with nondisabled peers to the maximum extent appropriate; 34 CFR, §300.115, which requires public agencies to ensure a continuum of alternative placements is available to meet the needs of children with disabilities; 34 CFR, §300.129, which addresses the responsibilities of public agencies for children placed in or referred to private schools or facilities; 34 CFR, §300.147, which establishes state educational agency responsibilities for ensuring compliance and monitoring private school placements; 34 CFR, §§300.301-300.311, which establish requirements for evaluations, reevaluations, and eligibility determinations, including timelines and evaluation procedures; and 34 CFR, §300.503, which requires public agencies to provide parents prior written notice before proposing or refusing actions related to identification, evaluation, educational placement or the provision of FAPE.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§29.001, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.004; 29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.011; 29.026, as added by HB 2 and SB 568, 89th Texas Legislature, 2025; 48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; and 34 Code of Federal Regulations (CFR), §§300.101, 300.114-300.118, 300.115, 300.129, 300.147, 300.301-300.311, and 300.503.

§89.1005. Instructional Arrangements and Educational Environments [~~Settings~~].

(a) For the 2026-2027 school year, school districts and open-enrollment charter schools shall report instructional arrangement or instructional setting codes as described by §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

[~~(a) The following terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.~~]

[~~(1) Instructional arrangement/setting. Instructional arrangement/setting refers to the arrangement listed in Texas Education Code (TEC), §48.102, and the weight assigned to it that is used to generate funds from the state special education allotment.~~]

[~~(2) Instructional day. Instructional day has the meaning assigned to it in §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).~~]

(b) Effective September 1, 2026, placement decisions made by an admission, review, and dismissal (ARD) committee must be reported as a specific educational environment as these are defined and described in the Texas Student Data System Public Education Information Management System. An instructional arrangement reported in the 2025-2026 school year will continue to be reported until the student's ARD committee develops a new or updated individualized education program affecting placement in the 2026-2027 school year. Based on the funding transition required by Texas Education Code (TEC), §48.1022, and transition materials produced by the Texas Education Agency, instructional arrangements may continue to be reported through the 2026-2027 school year. See §89.1121 of this title (relating to Distribution of State Funds) for more information.

(c) For purposes of determining the time spent outside the general education setting as described in TEC, §48.051(a), the following definitions shall apply.

(1) "General education classroom" or "setting" includes a classroom or setting where a student is educated alongside peers without disabilities and receives instruction aligned to the student's enrolled grade level curriculum, regardless of whether the special education and related services are provided in that environment. Typically, for students enrolled in kindergarten and above, general education classrooms or settings are generally based on the time spent in those classrooms or settings during the instructional day. For children between the ages of three through five who are not yet enrolled in kindergarten, general education classrooms or settings are typically referred to as regular early childhood programs and are based on at least 50% of the children enrolled or assigned to the classroom or setting being children without disabilities.

(2) "Special education classroom" or "setting" includes a classroom or setting where the primary purpose is the delivery of specially designed instruction to students with disabilities separate from their peers without disabilities.

(d) Section 89.1121 of this title explains when placements in general education or special education classrooms or settings, such as residential placements, will be directly included in the calculation of the state special education allotment under TEC, §§48.102, 48.1021, and 48.1022.

(e) Instructional day has the meaning assigned to it in §129.1025 of this title.

(f) [~~(b)~~] Each school district must provide special education and related services to eligible students with disabilities in order to meet the unique needs of those students in accordance with 34 Code of Federal Regulations, §§300.114-300.118, and state law.

(g) [~~(c)~~] Subject to §89.1075(f) of this title (relating to General Program Requirements and Local District Procedures), [~~for the purpose of determining the student's instructional arrangement/setting,~~] a student receiving special education and related services must have available an instructional day commensurate with that of students who are not receiving special education and related services and only modify the instructional day when determined necessary by the ARD [~~admission, review, and dismissal (ARD)~~] committee. [~~A student's ARD committee shall determine the student's instructional arrange-~~

ment/setting based on the percentage of the student's instructional day that the student receives special education and related services in a setting other than general education.]

[(d) While this section uses the names of the instructional arrangements/settings as they are described in TEC, §48.102, there may be additional instructional arrangement/setting codes that are created by the Texas Education Agency (TEA) within the student attendance accounting requirements defined in §129.1025 of this title. While the codes may be titled differently, each will align to an arrangement/setting as described in this section and in TEC, §48.102.]

[(e) Instructional arrangements/settings shall be based on the individual needs and individualized education programs (IEPs) of eligible students receiving special education and related services and shall include the following.]

[(1) Mainstream. This instructional arrangement/setting is for providing special education and related services to a student in the general education classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's general education classroom teacher(s) necessary to enrich the general education classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her general education classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. Monitoring student progress in and of itself is not a special education service; this cannot be listed as the only specially designed instruction documented in a student's IEP.]

[(2) Homebound. This instructional arrangement/setting, also referred to as home-based instruction, is for providing special education and related services to students who are served at their home for the following reasons.]

[(A) Medical reasons. Homebound instruction is used for a student whose ARD committee has received medical documentation from a physician licensed to practice in the United States that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which could include psychological disorders, and the ARD committee has determined that this is the most appropriate placement for the student. The weeks do not have to be consecutive. For the ARD committee to approve this placement, the committee will review documentation related to anticipated periods of student confinement to the home, as well as whether the student is determined to be chronically ill or any other unique medical circumstances that would require this placement in order to provide a free appropriate public education (FAPE) to the student. Documentation by a physician does not guarantee the placement of a student in this instructional arrangement/setting, as the student's ARD committee shall determine whether the placement is necessary for the provision of FAPE, and, if so, will determine the amount of services to be provided to the student at home in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in subsection (c) of this section.]

[(B) Children ages three through five years of age. Home-based instruction may be used for children ages three through five when determined appropriate by the child's ARD committee and as documented in the student's IEP. While this setting would generate the same weight as the homebound instructional arrangement/setting, the data on this setting may be collected differently than the medical homebound arrangement/setting.]

[(C) Students confined to or educated in hospitals. This instructional arrangement/setting also applies to school districts described in TEC, §29.014.]

[(3) Hospital class. This instructional arrangement/setting is for providing special education and related services by school district personnel:]

[(A) at a hospital or other medical facility; or]

[(B) at a residential care and treatment facility not operated by the school district. If a student residing in the facility is provided special education and related services at a school district campus but the student's parent is not a school district resident, the student is considered to be in the residential care and treatment facility instructional arrangement/setting. If a student residing in the facility is provided special education and related services at a school district campus and the parent, including a surrogate parent, is a school district resident, the student's instructional arrangement/setting would be assigned based on the services that are provided at the campus on the same basis as a resident student residing with his or her parents.]

[(4) Speech therapy. This instructional arrangement/setting is for providing speech therapy services whether in a general education classroom or in a setting other than a general education classroom.]

[(A) When the only special education service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. If a student's IEP indicates that a special education teacher is involved in the implementation of the student's IEP but there is no indication of how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting.]

[(B) When a student receives speech therapy and a related service but no other special education service, the student is in the speech therapy instructional arrangement/setting.]

[(5) Resource room/services. This instructional arrangement/setting is for providing special education and related services to a student in a setting other than general education for less than 50% of the regular school day. For funding purposes, this will be differentiated between the provision of special education and related services to a student in a setting other than general education for less than 21% of the instructional day and special education and related services provided to a student in a setting other than general education for at least 21% of the instructional day but less than 50% of the instructional day.]

[(6) Self-contained (mild, moderate, or severe) regular campus. This instructional arrangement/setting is for providing special education and related services to a student who is in a setting other than general education for 50% or more of the regular school day on a regular school campus. For funding purposes, mild/moderate will be considered at least 50% but no more than 60% of the student's instructional day, and severe will be considered more than 60% of the student's instructional day.]

[(7) Off-home campus. This instructional arrangement/setting is for providing special education and related services to the following:]

[(A) a student at South Texas Independent School District or Windham School District;]

[(B) a student who is one of a group of students from one or more school districts served in a single location in another school district when a FAPE is not available in the sending district;]

[(C) a student in a community setting, facility, or environment operated by a school district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives;]

[(D) a student in a community setting or environment not operated by a school district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by school district personnel;]

[(E) a student in a facility not operated by a school district with instruction provided by school district personnel; or]

[(F) a student in a self-contained program at a separate campus operated by the school district that provides only special education and related services.]

[(8) Nonpublic day school. This instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school when the school district is unable to provide a FAPE for the student. This instructional arrangement/setting includes the providers listed in §89.1094 of this title (relating to Contracting for Nonpublic or Non-District Operated Day Placements for the Provision of FAPE).]

[(9) Vocational adjustment class. Although referred to as a class, this instructional arrangement/setting is a support program for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's transition plan, as documented in the student's IEP, and may include special education services received in career and technical education work-based learning programs.]

[(10) Residential care and treatment facility (not school district resident). For purposes of this section, residential care and treatment facility refers to a facility at which a student with a disability currently resides, who was not placed at the facility by the student's ARD committee, and whose parent or guardian does not reside in the district providing educational services to the student. This instructional arrangement/setting is for providing special education and related services to a student on a school district campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the school district that is providing educational services to the student. If the instruction is provided at the facility, rather than on a school district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.]

[(11) State-supported living center (referred to as state school in TEC, §48.102). This instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local school district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting.]

[(f) Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf blind (DB) must be enrolled at the parent's request by a school district when the district becomes aware of a child needing services. The appropriate instructional arrangement for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. However, the following guidelines shall apply.]

[(1) A home-based instructional arrangement/setting is used when the child receives services at home. This arrangement/setting would generate the same weight as the homebound instructional arrangement/setting, and average daily attendance (ADA) funding will depend on the number of hours served per week.]

[(2) A center-based instructional arrangement/setting is used when the child receives services in a day care center, rehabilitation center, or other school/facility contracted with the Health and Human Services Commission (HHSC) as an ECI provider/program. This arrangement/setting would generate the same weight as the self-contained, severe instructional arrangement/setting, and ADA funding will depend on the number of hours served per week.]

[(3) Funding may only be claimed if the district is involved in the provision of the ECI and other support services for the child. Otherwise, the child would be enrolled and indicated as not in membership for purposes of funding. If the district is contracted with HHSC as an ECI provider, funding would be generated under that contract.]

[(g) For nonpublic day and residential placements, the school district must comply with the requirements under §89.1092 of this title (relating to Contracting for Nonpublic Residential Placements for the Provision of a Free Appropriate Public Education (FAPE)) or §89.1094 of this title, as appropriate.]

[(h) Other program options that may be considered for the delivery of special education and related services to a student may include the following:]

[(1) contracts with other school districts; and]

[(2) other program options as approved by TEA.]

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 May 4, 2026.

TRD-202601896
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

DIVISION 2. CLARIFICATION OF PROVISIONS IN FEDERAL REGULATIONS

19 TAC §89.1040, §89.1075

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §29.001, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for the implementation of special education law; TEC, §29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for a full individual and initial evaluation; TEC, §29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes contracts for services to students with disabilities in a residential or day placement program; TEC, §29.011, which establishes transition planning; TEC, §29.026, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes rulemaking authority for the commissioner as necessary to implement TEC, Chapter 29, Subchapter A; TEC, §48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the funding framework for students receiving special education services under the Foundation School Program; TEC, §48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education service groups used in determining funding under the Foundation School Program; TEC, §48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education transition year funding; TEC, §48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes day placement program or cooperative funding; 34 CFR, §300.101, which establishes the requirement that free appropriate public education (FAPE) be available to all eligible children with disabilities; 34 CFR, §§300.114-300.118, which establish least restrictive environment requirements, including placement decisions and the provision of services in settings with nondisabled peers to the maximum extent appropriate; 34 CFR, §300.115, which requires public agencies to ensure a continuum of alternative placements is available to meet the needs of children with disabilities; 34 CFR, §300.129, which addresses the responsibilities of public agencies for children placed in or referred to private schools or facilities; 34 CFR, §300.147, which establishes state educational agency responsibilities for ensuring compliance and monitoring private school placements; 34 CFR, §§300.301-300.311, which establish requirements for evaluations, reevaluations, and eligibility determinations, including timelines and evaluation procedures; and 34 CFR, §300.503, which requires public agencies to provide parents prior written notice before proposing or refusing actions related to identification, evaluation, educational placement or the provision of FAPE.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§29.001, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.004; 29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.011; 29.026, as added by HB 2 and SB 568, 89th Texas Legislature, 2025; 48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; and 34 Code of Federal Regulations (CFR), §§300.101, 300.114-300.118, 300.115, 300.129, 300.147, 300.301-300.311, and 300.503.

§89.1040. Eligibility Criteria.

(a) Special education and related services. To be eligible to receive special education and related services, a student must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c), [~~the~~] Texas Education Code (TEC), Chapter 29, Subchapter A, and this section. The provisions in this section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law.

(b) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review, and dismissal (ARD) committee. Any evaluation or re-evaluation of a student must be conducted in accordance with 34 CFR, §§300.301-300.306 and 300.122. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following:

(1) a licensed specialist in school psychology (LSSP)/school psychologist, an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or

(2) a licensed or certified professional for a specific eligibility category defined in subsection (c) of this section.

(c) Eligibility definitions.

(1) Autism. A student with autism is one who has been determined to meet the criteria for autism as stated in 34 CFR, §300.8(c)(1). A determination of whether a student meets the criteria for autism as stated in 34 CFR, §300.8(c)(1), cannot require that the student meets the requirements for a medical/psychological diagnosis of autism. The absence of other characteristics often associated with autism listed in 34 CFR, 300.8(c)(1), does not exclude a student from meeting eligibility as a student with autism. The team's written report of evaluation must include specific recommendations for communication, social interaction, and positive behavioral interventions and strategies.

(2) Deaf-blindness. A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness as stated in 34 CFR, §300.8(c)(2). In meeting the criteria stated in 34 CFR, §300.8(c)(2), a student with deaf-blindness is one who, based on the evaluations specified in subsection (c)(3) and (12) of this section:

(A) meets the eligibility criteria for a student who is deaf or hard of hearing specified in subsection (c)(3) of this section and visual impairment specified in subsection (c)(12) of this section;

(B) meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;

(C) has documented hearing and visual losses that, if considered individually, may not meet the requirements for a student who is deaf or hard of hearing or for visual impairment, but the combination of such losses adversely affects the student's educational performance; or

(D) has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without the provision of special education services, will adversely affect the student's educational performance.

(3) Deaf or hard of hearing.

(A) A student who is deaf or hard of hearing is one who has been determined to meet the criteria for deafness as stated in 34 CFR, §300.8(c)(3), or for students who have a hearing impairment as stated in 34 CFR, §300.8(c)(5). The evaluation data reviewed by the multidisciplinary team in connection with the determination of a student's eligibility based on being deaf or hard of hearing must include an audiological evaluation performed by a licensed audiologist and a communication assessment completed by the multidisciplinary team. The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended hearing assistive technology.

(B) A child under three years of age meets the criteria for deaf or hard of hearing if the student's record indicates that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR, §303.21.

(4) Emotional disability. A student with an emotional disability is one who has been determined to meet the criteria for emotional disturbance as stated in 34 CFR, §300.8(c)(4). The written report of evaluation must include specific recommendations for positive behavioral supports and interventions. The term emotional disability is synonymous with the term emotional disturbance and serious emotional disturbance, as these terms are used in federal or state law pertaining to students eligible for special education and related services.

(5) Intellectual disability. A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability as stated in 34 CFR, §300.8(c)(6). In meeting the criteria stated in 34 CFR, §300.8(c)(6), a student with an intellectual disability is one who:

(A) has been determined to have significantly sub-average intellectual functioning as measured by:

(i) a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test; or [~~and~~]

(ii) the convergence of a body of evidence from multiple direct and indirect sources when the multidisciplinary team determines that standardized measures of cognitive ability are invalid, inaccessible, or inappropriate; and

(B) concurrently exhibits deficits in at least two of the following areas of adaptive behavior: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.

(6) Multiple disabilities.

(A) A student with multiple disabilities is one who has been determined to meet the criteria for multiple disabilities as stated in 34 CFR, §300.8(c)(7). In meeting the criteria stated in 34 CFR, §300.8(c)(7), that a combination of impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments, a student with multiple disabilities is one who has a combination of disabilities defined in this section and who meets all of the following conditions:

(i) the student's disabilities are expected to continue indefinitely; and

(ii) the disabilities severely impair performance in two or more of the following areas:

(I) psychomotor skills;

(II) self-care skills;

(III) communication;

(IV) social and emotional development; or

(V) cognition.

(B) Students who have more than one of the disabilities defined in this section but who do not meet the criteria in subparagraph (A) of this paragraph must not be classified or reported as having multiple disabilities.

(C) Multiple disabilities does not include deaf-blindness.

(7) Orthopedic impairment. A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment as stated in 34 CFR, §300.8(c)(8). A student's eligibility based on an orthopedic impairment must include a medical diagnosis provided by a licensed physician.

(8) Other health impairment. A student with other health impairment is one who has been determined to meet the criteria for other health impairment due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Disorder as stated in 34 CFR, §300.8(c)(9). A student's eligibility based on other health impairment must include identification or confirmation of the student's chronic or acute health problem provided by a licensed physician, a physician assistant, or an advanced practice registered nurse with authority delegated under Texas Occupations Code, Chapter 157.

(9) Specific learning disability.

(A) Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disability; or environmental, cultural, or economic disadvantage.

(B) A student with a specific learning disability is one who:

(i) has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability as stated in 34 CFR, §300.8(c)(10), in accordance with the provisions in 34 CFR, §§300.307-300.311;

(ii) when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards as indicated by performance on multiple measures such as in-class tests, grade average over time (e.g. six weeks or semester), repeated performance on progress monitoring measures, norm- or criterion-referenced tests, and statewide assessments, does not achieve adequately for the student's age or to meet state-approved grade-level standards in one or more of the following areas:

(I) oral expression;

(II) listening comprehension;

(III) written expression, which includes, but is not limited to, [~~may include~~] dysgraphia;

(IV) basic reading skill, which includes [~~may include~~] dyslexia;

(V) reading fluency skills, which includes [~~may include~~] dyslexia;

(VI) reading comprehension;

(VII) mathematics calculation; or

(VIII) mathematics problem solving;

(iii) meets one of the following criteria:

(I) does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in clause (ii)(I)-(VIII) of this subparagraph when using a process based on the student's response to scientific, research-based intervention; or

(II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade-level standards, or intellectual development that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR, §300.304 and §300.305; and

(iv) does not meet the findings under clauses (ii) and (iii) of this subparagraph primarily as the result of:

(I) a visual, hearing, or motor disability;

(II) an intellectual disability;

(III) emotional disability;

(IV) cultural factors;

(V) environmental or economic disadvantage; or

(VI) being emergent bilingual.

(C) As part of the evaluation described in subparagraph (B) of this paragraph and 34 CFR, §§300.304-300.311, the presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required when determining whether a student has a significant learning disability.

(D) In order to ensure that underachievement by a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics, the following must be considered:

(i) data that demonstrates the student was provided appropriate instruction in reading (as described in 20 United States Code [~~(USC)~~], §6368(3)), and/or mathematics within general education settings delivered by qualified personnel; and

(ii) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction, which must be provided to the student's parents. Data-based documentation of repeated assessments may include, but is not limited to, intervention progress monitoring results and reports, in-class tests on grade-level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.

(E) The school district must ensure that the student is observed in the student's learning environment, including the general education classroom setting, to document the student's academic performance and behavior in the areas of difficulty. In determining whether a student has a specific learning disability, the multidisciplinary team must decide to either use information from an observation in routine classroom instruction and monitoring of the student's performance that was conducted before the student was referred for an evaluation or have at least one of the members described in subsection (b) or (c)(9)(F) of this section conduct an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and the school district has obtained parental consent consistent with 34 CFR, §300.300(a). In the case of a student of less than school age or out of school, a member described in subsection (b) or (c)(9)(F) of this section must observe the student in an environment appropriate for a student of that age.

(F) The determination of whether a student suspected of having a specific learning disability is a child with a disability as defined in 34 CFR, §300.8, must be made by the student's parents and a team of qualified professionals, which must include at least one person qualified to conduct individual diagnostic examinations of children such as a licensed specialist in school psychology/school psychologist, an educational diagnostician, a speech-language pathologist, or a remedial reading teacher and one of the following:

(i) the student's general education teacher;

(ii) if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of his or her age; or

(iii) for a student of less than school age, an individual qualified by the Texas Education Agency to teach a student of his or her age.

(G) Suspicion, and the identification, of dyslexia or dysgraphia, in addition to the requirements of subparagraphs (A)-(F) of this paragraph, must include consideration of the following:

(i) when the specific learning disability of dyslexia is suspected or characteristics of dyslexia have been observed from a reading instrument administered under TEC, §28.0063 [~~§28.006~~], or a dyslexia screener under TEC, §38.003, the team established under subsections (b) and (c)(9)(F) of this section must include a professional who meets the requirements under TEC, §29.0031(b), and §74.28 of this title (relating to Students with Dyslexia and Related Disorders), including any handbook adopted in the rule;

(ii) an evaluation for dyslexia or dysgraphia must include all of the domains or other requirements listed in TEC, §38.003, and §74.28 of this title, including any handbook adopted in the rule;

(iii) when identifying dyslexia and determining eligibility or continued eligibility for special education and related services, the ARD [~~admission, review, and dismissal (ARD)~~] committee must include a professional who meets the requirements of TEC, §29.0031(b), and §74.28 of this title, including any handbook adopted in the rule; and

(iv) when a student is identified with dyslexia and/or dysgraphia, the terms dyslexia and/or dysgraphia, as appropriate, must be used in a student's evaluation report. See §89.1055 of this title (relating to Individualized Education Program) for documenting in the individualized education program. For formal eligibility purposes under special education, the category of specific learning disability will be reported by a school district.

(10) Speech impairment. A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment as stated in 34 CFR, §300.8(c)(11). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a

certified speech and language therapist, or a licensed speech/language pathologist.

(11) Traumatic brain injury. A student with a traumatic brain injury is one who has been determined to meet the criteria for traumatic brain injury as stated in 34 CFR, §300.8(c)(12). A student's eligibility based on a traumatic brain injury must include a medical diagnosis provided by a licensed physician.

(12) Visual impairment.

(A) A student with a visual impairment is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR, §300.8(c)(13). Information from a variety of sources must be considered by the multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on visual impairment in order to determine the need for specially designed instruction as stated in 34 CFR, §300.39(b)(3), and must include:

(i) a medical report by a licensed ophthalmologist or optometrist that indicates the visual loss stated in exact measures of visual field and corrected visual acuity, at a distance and at near range, in each eye. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates. The report should also include a diagnosis and prognosis whenever possible and whether the student has:

(I) no vision or visual loss after correction; or

(II) a progressive medical condition that will result in no vision or a visual loss after correction;

(ii) a functional vision evaluation by a certified teacher of students with visual impairments or a certified orientation and mobility specialist. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation;

(iii) a learning media assessment by a certified teacher of students with visual impairments. The learning media assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area; and

(iv) as part of the full individual and initial evaluation, an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist. The orientation and mobility evaluation must be conducted in a variety of lighting conditions and in a variety of settings, including in the student's home, school, and community, and in settings unfamiliar to the student.

(B) A person who is appropriately certified as an orientation and mobility specialist must participate in an initial eligibility determination and any reevaluation as part of the multidisciplinary team, in accordance with 34 CFR, §§300.122 and 300.303-300.311, in evaluating data used to make the determination of the student's need for specially designed instruction.

(C) A child under three years of age meets the criteria for visual impairment if the child's record indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR, §303.21.

(13) Developmental delay. A student with developmental delay is one who is between the ages of three through nine [~~3–9~~] who is evaluated by a multidisciplinary team for at least one disability category listed in paragraphs (1)-(12) of this subsection and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability or disabilities due to the child's young age. In these cases, an ARD committee may determine that data supports identification of developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. To use this eligibility category, multiple sources of data must converge to indicate the student has a developmental delay as described by one of the following:

(A) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 2 standard deviations below the mean or at the 2nd percentile of performance, when taking into account the standard error of measurement (SEM), in one area of development as listed in this paragraph, along with additional convergent evidence such as interviews and observation data that supports the delay in that area;

(B) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 1.5 standard deviations below the mean or at the 7th percentile of performance, when taking into account the SEM, in at least two areas of development as listed in this paragraph, along with additional convergent evidence such as interviews and observation data that supports the delays in those areas; or

(C) a body of evidence from multiple direct and indirect sources, such as play-based assessments, information from the student's parent, interviews, observations, work samples, checklists, and other informal and formal measures of development, that clearly document a history and pattern of atypical development that is significantly impeding the student's performance and progress across settings when compared to age-appropriate expectations and developmental milestones in one or more areas of development as listed in this paragraph.

(14) Noncategorical. A student between the ages of three through five [~~3–5~~] who is evaluated as having an intellectual disability, an emotional disability, a specific learning disability, or autism may be described as noncategorical early childhood.

(d) Developmental delay eligibility guidelines. Developmental delay, as described in subsection (c)(13) of this section, and noncategorical, as described in subsection (c)(14) of this section, may be used within the following guidelines.

(1) No school district will be required to use the eligibility category of developmental delay; however, if a district chooses to use this eligibility category, it must use the definition and criteria described in subsection (c)(13) of this section.

(2) If a school district chooses to use the eligibility category described in subsection (c)(13) of this section, it may do so beginning with the 2024-2025 school year.

(3) The eligibility category of noncategorical, as described in subsection (c)(14) of this section, must no longer be used by any school district beginning with the 2025-2026 school year. Any eligible student who begins the 2025-2026 school year already identified under subsection (c)(14) of this section may maintain this eligibility category, if determined appropriate by the student's ARD committee, until the required re-evaluation before the age of six.

§89.1075. General Program Requirements and Local District Procedures.

(a) Each school district must maintain an eligibility folder for each student receiving special education and related services, in addition to the student's cumulative record. The eligibility folder must include, but will not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; admission, review, and dismissal (ARD) committee reports; and the student's individualized education programs (IEPs) and supporting data.

(b) Each school district must develop policies, procedures, programs, and practices that are consistent with the state's established policies, procedures, programs, and services to implement the Individuals with Disabilities Education Act.

(c) For school districts providing special education services to students with visual impairments, students who are deaf or hard of hearing, or students who are deafblind, there must be written procedures as required in Texas Education Code (TEC), §30.002(c)(9) [~~§30.002(c)(10)~~].

(d) Each school district must ensure that each teacher who provides instruction to a student with disabilities:

(1) has access to relevant sections of the student's current IEP;

(2) is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and

(3) has an opportunity to request assistance regarding implementation of the student's IEP.

(e) Each school district must develop a process to be used by a teacher who instructs a student with a disability in a general education classroom setting:

(1) to request a review of the student's IEP;

(2) to provide input in the development of the student's IEP;

(3) that provides for a timely district response to the teacher's request; and

(4) that provides for notification to the student's parent or legal guardian of that response.

(f) Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP.

(g) School districts that contract for services for [~~from nonpublic~~] day [~~schools~~] or residential program placements must do so in accordance with 34 Code of Federal Regulations (CFR), §300.147, and §89.1092 and §89.1094 of this title (relating to [~~Contracting for Nonpublic~~] Residential Placement Programs [~~Placements~~] for the Provision of a Free Appropriate Public Education (FAPE) and [~~Contracting for Nonpublic or Non-District Operated~~] Day Placement Programs [~~Placements~~] for the Provision of a Free Appropriate Public Education (FAPE)).

(h) Whenever a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, the school district must provide prior written notice as required in 34 CFR, §300.503, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least 10 calendar [~~five school~~] days before the school district proposes or refuses the action unless the parent agrees to a shorter timeframe.

(i) The transition and employment designee required of each school district or shared services arrangement by TEC, §29.011, must complete the required training as developed by the commissioner of education within 90 calendar days of being initially designated and each time the training is updated by the commissioner. The designee must [~~and~~] provide information about transition requirements and coordination among parents, students, and appropriate state agencies to ensure that school staff can communicate and collaborate effectively.

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 May 4, 2026.

TRD-202601897
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §89.1092, §89.1094

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §29.001, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for the implementation of special education law; TEC, §29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for a full individual and initial evaluation; TEC, §29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes contracts for services to students with disabilities in a residential or day placement program; TEC, §29.011, which establishes transition planning; TEC, §29.026, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes rulemaking authority for the commissioner as necessary to implement TEC, Chapter 29, Subchapter A; TEC, §48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the funding framework for students receiving special education services under the Foundation School Program; TEC, §48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education service groups used in determining funding under the Foundation School Program; TEC, §48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education transition year funding; TEC, §48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes day placement program or cooperative funding; 34 CFR, §300.101, which establishes the requirement that free appropriate public education (FAPE) be available to all eligible children with disabilities; 34 CFR, §§300.114-300.118, which establish least restrictive environment requirements, including placement decisions and the provision of services in settings with nondisabled peers to the maximum extent appropriate; 34 CFR, §300.115, which requires public agencies to ensure a continuum of alternative placements is available to

meet the needs of children with disabilities; 34 CFR, §300.129, which addresses the responsibilities of public agencies for children placed in or referred to private schools or facilities; 34 CFR, §300.147, which establishes state educational agency responsibilities for ensuring compliance and monitoring private school placements; 34 CFR, §§300.301-300.311, which establish requirements for evaluations, reevaluations, and eligibility determinations, including timelines and evaluation procedures; and 34 CFR, §300.503, which requires public agencies to provide parents prior written notice before proposing or refusing actions related to identification, evaluation, educational placement or the provision of FAPE.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §§29.001, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.004; 29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.011; 29.026, as added by HB 2 and SB 568, 89th Texas Legislature, 2025; 48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; and 34 Code of Federal Regulations (CFR), §§300.101, 300.114-300.118, 300.115, 300.129, 300.147, 300.301-300.311, and 300.503.

§89.1092. Contracting for Nonpublic Residential Placements for the Provision of a Free Appropriate Public Education (FAPE).

§89.1094. Contracting for Nonpublic or Non-District Operated Day Placements for the Provision of a Free Appropriate Public Education (FAPE).

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 May 4, 2026.

TRD-202601898
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §89.1092, §89.1094

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §29.001, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for the implementation of special education law; TEC, §29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for a full individual and initial evaluation; TEC, §29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes contracts for services to students with disabilities in a residential or day placement program; TEC, §29.011, which establishes transition planning; TEC, §29.026, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes rulemaking authority for the commissioner as necessary to implement TEC, Chapter 29, Subchapter A; TEC, §48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the funding framework for students receiving special education services under the Foundation School Program; TEC, §48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education service groups used in determining funding under the Foundation School Program; TEC, §48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education transition year funding; TEC, §48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes day placement program or cooperative funding; 34 CFR, §300.101, which establishes the requirement that free appropriate public education (FAPE) be available to all eligible children with disabilities; 34 CFR, §§300.114-300.118, which establish least restrictive environment requirements, including placement decisions and the provision of services in settings with nondisabled peers to the maximum extent appropriate; 34 CFR, §300.115, which requires public agencies to ensure a continuum of alternative placements is available to meet the needs of children with disabilities; 34 CFR, §300.129, which addresses the responsibilities of public agencies for children placed in or referred to private schools or facilities; 34 CFR, §300.147, which establishes state educational agency responsibilities for ensuring compliance and monitoring private school placements; 34 CFR, §§300.301-300.311, which establish requirements for evaluations, reevaluations, and eligibility determinations, including timelines and evaluation procedures; and 34 CFR, §300.503, which requires public agencies to provide parents prior written notice before proposing or refusing actions related to identification, evaluation, educational placement or the provision of FAPE.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§29.001, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.004; 29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.011; 29.026, as added by HB 2 and SB 568, 89th Texas Legislature, 2025; 48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; and 34 Code of Federal Regulations (CFR), §§300.101, 300.114-300.118, 300.115, 300.129, 300.147, 300.301-300.311, and 300.503.

§89.1092. Residential Placement Programs for the Provision of a Free Appropriate Public Education (FAPE).

(a) In accordance with Texas Education Code (TEC), §29.008, the commissioner of education shall maintain a list of approved residential placement programs that school districts may contract with for the provision of a free appropriate public education (FAPE) when a student's admission, review, and dismissal (ARD) committee determines the placement to be the least restrictive environment for the student. The school district that contracts with the residential program provider retains the obligation to ensure the student is provided with a FAPE in accordance with the student's individualized education program (IEP).

(b) For purposes of TEC, §29.008, educational environments described by §89.1005 of this title (relating to Instructional Arrangements and Educational Environments), the Texas Student Data System

Public Education Information Management System, and this section, residential placements shall be distinguished between ARD committee-placed and not ARD committee-placed.

(c) Each school district, program, and provider must comply with all residential placement program requirements as part of the comprehensive system established and maintained under TEC, §29.001(c). The Texas Education Agency (TEA) will share any changes in requirements with all current approved and prospective providers as well as impacted districts.

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

(1) Provider--A public or private facility, institution, agency, or business as described in TEC, §29.008, with one or more residential placement program facilities that is approved to contract with a school district for the provision of special education and related services in a residential setting when the school district is unable to provide those services. A provider that contracts with a school district solely for the provision of related services is not subject to the requirements of this section.

(2) Residential placement-ARD committee-placed--A residential placement that includes the provision of special education and related services to one or more Texas public school students in a public or private residential program by a residential program provider, when the placement has been determined by the student's ARD committee to require a residential placement in order to facilitate the student's attainment of reasonable educational progress and to provide the student a FAPE. The placement is not intended for the provision of medical care or treatment.

(3) Residential placement-not ARD committee-placed--A residential placement that includes the provision of special education and related services to one or more Texas public school students in a residential facility as defined by TEC, §5.001(8), when the placement is not determined by the student's ARD committee.

(4) School district--Includes independent school districts established under TEC, Chapter 11, Subchapters A-F, and open-enrollment charter schools established under TEC, Chapter 12, Subchapter D.

(e) This section does not apply to residential placements that are not ARD committee-placed; placements in correctional facilities; court-ordered placements; ARD committee placements at Texas School for the Blind and Visually Impaired; ARD committee placements or parent placements at the Texas School for the Deaf; or placements in a state supported living center.

(f) TEA shall periodically solicit applications from residential placement program providers that seek to contract with school districts for the provision of services and shall accept applications from program providers on an ongoing basis. A current contract for student placement with a school district is not required in order to be considered for approval.

(g) All contracts for residential placements under this section must be approved by TEA. A school district must utilize TEA's list of approved residential placement program providers when considering residential placement for a student. If the school district wishes to contract with a provider not on the list, the provider must submit an application to TEA.

(h) An approved residential placement program provider that operates more than one residential placement program facility must obtain approval for each facility if the provider plans to contract with school districts for services at those facilities.

(i) A residential placement program provider must meet minimum standards established by TEA to be approved and to remain in approved status. The minimum standards will address, but not be limited to, the following:

(1) requirements regarding appropriate certification or licensure for those who will work with students placed in the program;

(2) academic and behavioral curriculum content requirements and expectations;

(3) criminal background check requirements that must be at least equivalent to those required of public school employees;

(4) health and safety standards and any local or state accreditation and permit requirements;

(5) physical plant and equipment requirements;

(6) written policies, procedures, and operating guidelines that must include necessary standards and steps to be followed to ensure each student maintains the same rights as other public school students with disabilities, including when a student is subject to emergency behavioral interventions or disciplinary actions, as well as to ensure the prohibition of aversive techniques as defined by TEC, §37.0023; and

(7) fee schedules and guidelines for establishing fees for services.

(j) Once initially approved, a residential placement program provider must go through a reapproval process at least once every five years unless TEA has withdrawn approval before the end of the approval period or the provider has withdrawn their provider status before the end of the approval period. A provider seeking reapproval shall submit interest in reapproval in accordance with timelines and materials published by TEA. If a previously approved provider wants to be considered for approval again after its approval has expired or has been withdrawn, the provider must reapply as if the provider was seeking initial approval. Additionally:

(1) TEA may impose conditions on a residential placement program provider as necessary to ensure the provision of a FAPE for students placed in the residential placement program during the provider's approval period or while the provider is undergoing reapproval; and

(2) if TEA denies approval, denies reapproval, or withdraws approval of a residential placement program provider, a school district must take steps to remove any student currently placed in the program, or cancel a planned placement, as expeditiously as possible.

(k) TEA may conduct announced or unannounced onsite visits of a residential placement program that is serving one or more Texas public school students under this section and will monitor the program provider's compliance with the requirements of this section.

(l) Before a student's ARD committee places a student in, or refers a student to, a residential placement program, the ARD committee shall convene a meeting to review and revise as necessary an IEP for the student in accordance with 34 Code of Federal Regulations, §§300.320-300.325, applicable state statutes, and commissioner rules in this chapter to ensure that all IEP statements, descriptions, and explanations reflect the student's current academic, functional, and developmental needs. The ARD committee must:

(1) determine whether the purpose of the placement or referral for placement is for educational purposes. An ARD committee is prohibited from placing a student in a residential placement program

solely for treatment or medical issues or issues in the home, as the committee's main responsibility is to comply with the Individuals with Disabilities Education Act (IDEA) and applicable state law regarding special education; and

(2) determine whether the proposed residential placement program is the least restrictive environment that can provide FAPE to the student, unless in an emergency situation, as determined by the ARD committee and documented in the IEP.

(m) The district shall initiate and conduct an in-person, on-site review of the approved program provider's facility and program to ensure that the program is appropriate for meeting the student's functional, developmental, and instructional needs before placement in the program.

(n) The student's ARD committee may only recommend a residential placement program if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in a less restrictive environment. Additionally, the following requirements apply.

(1) The student's IEP must list which individualized supports and services the school district is unable to provide and which services the residential placement program will provide.

(2) At the time the ARD committee determines placement, the ARD committee shall establish, in writing, criteria and a projected date for the student's return to a less restrictive environment and document this information in the IEP.

(o) The appropriateness of the placement and the program shall be documented in the IEP at least annually. The student's progress towards reintegration, the appropriateness of the reintegration criteria, and the projected reintegration date shall be documented in the IEP at least annually.

(p) The school district shall make a minimum of two onsite, in-person visits annually, one announced and one unannounced, and more often if directed by TEA, to:

(1) review academic and behavioral data to verify that the program provider is implementing IEP services and any other contractual obligations, including meeting the TEA minimum standards; and

(2) verify that the educational program provided is appropriate for the student and the placement continues to be the least restrictive environment for the student.

(q) The placement of more than one student in the same program may be considered in the same onsite visit to the facility. However, the IEP of each student must be individually reviewed and a determination must be made for each student regarding the appropriateness of placement and services to be provided.

(r) Within 30 calendar days from an ARD committee's decision to place a student in an approved residential placement program, a school district must electronically submit to TEA notice of the placement and the fully executed contract in accordance with submission procedures specified by TEA.

(1) The contract for an individual student recommended for or placed in an approved residential placement program shall be reviewed by TEA. Under no circumstances shall a contract violate the minimum standards or program's established guidelines that were included as part of the provider's approval process.

(2) TEA will give the parties an opportunity to amend a contract that does not comply with the minimum standards or contains language or terms that preclude agency approval of the contract.

(3) Contracts between school districts and approved residential placement program providers shall not begin prior to August 1 of the contracted program year and must not extend past July 31.

(4) Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change to the contract. TEA has authority to approve or deny these amendments. If denied, the parties will be given an opportunity to further amend the contract to address the issue or issues that precluded TEA approval.

(s) The cost of residential placement programs will be funded according to TEC, §§29.008, 48.102, 48.1021, and 48.1022; §89.1005 of this title; §129.1025 of this title; and local and federal funds as necessary and appropriate.

(1) For approved contracts effective through July 31, 2027, each approved contract for a residential placement program shall be funded as follows:

(A) through the assigned tier and service group(s) in accordance with TEC, §48.102 and §48.1021;

(B) through a school district's local tax share as described by TEC, §29.008(b);

(C) through a reservation by the school district of 25% of its IDEA-B formula-base planning amount (or the equivalent amount of state and/or local funds); and

(D) through a reimbursement process only to the extent that the funding described in subparagraphs (A)-(C) of this paragraph are insufficient to cover the full costs of a residential placement, if the school district applies and meets all requirements to receive such reimbursement through TEA's IDEA-B discretionary residential fund set-aside.

(2) Beginning with approved contracts as of August 1, 2027, each approved contract for a residential placement program shall be funded as follows:

(A) through the assigned tier and service group(s) in accordance with TEC, §48.102 and §48.1021; and

(B) through a combination of state, local, and federal funds.

(t) School districts that contract for out-of-state residential programs shall do so in accordance with this section, except that the program provider must be approved by the appropriate agency in the state in which the facility is located rather than by TEA.

(u) If a residential placement program is ordered by a special education hearing officer or court of competent jurisdiction, the school district shall notify TEA of the order within 30 calendar days. The program provider serving the student is not required to complete the approval procedures described in this section for the ordered placement. If, however, the school district or other school districts intend to place other public school students in the program, the program provider will be required to go through the approval procedures to be included on the commissioner's list of approved providers.

(v) When a student who is placed by a school district in a residential placement program changes his or her residence to another Texas school district and the student continues in the contracted placement, the school district that negotiated the contract shall be responsible for the residential contract until July 31 or to the end of the contract period if earlier than July 31. This does not prohibit the new resident district from establishing its own contract with the approved provider and notifying the former district and TEA that the new district will take responsibility.

(w) Approved providers with current contracts for student placements entered into prior to September 1, 2026, or the effective date of the most recent amendments to this section, whichever is later, shall have until January 1, 2027, to become compliant with all current TEA requirements for residential placement programs if they wish to remain on the approved list. TEA may grant exceptions to this deadline in extenuating circumstances.

§89.1094. Day Placement Programs for the Provision of a Free Appropriate Public Education (FAPE).

(a) In accordance with Texas Education Code (TEC), §29.008, the commissioner of education shall maintain a list of approved day placement programs that school districts may contract with for the provision of a free appropriate public education (FAPE) when a student's admission, review, and dismissal (ARD) committee determines the placement to be the least restrictive environment for the student. The school district that contracts with the day placement program provider retains the obligation to ensure the student is provided with a FAPE in accordance with the student's individualized education program (IEP).

(b) For purposes of TEC, §29.008 and §48.304, educational environments described by §89.1005 of this title (relating to Instructional Arrangements and Educational Environments), the Texas Student Data System Public Education Information Management System, and this section, day placement programs shall be distinguished between private and public day placement programs.

(c) Each school district, program administrator, and provider must comply with all day placement program requirements as part of the comprehensive system established and maintained under TEC, §29.001(c). The Texas Education Agency (TEA) will share any changes in requirements with all current approved and prospective providers as well as impacted districts.

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

(1) Private day placement program--A private day placement program includes the provision of special education and related services to one or more Texas public school students for more than 50% of the student's instructional day in a classroom or facility operated by a private provider contracted by a school district. The classroom or facility may be privately or publicly owned and may be on a district campus or other district facility. When a private day placement program that is operating in or on a publicly owned classroom or facility such as a district campus or other district facility and the program is set up to accept students from other districts, a school district wishing to place a student in the operating school district's (program administrator's) program may contract directly with the operating school district (program administrator) since the private provider has already been approved by TEA.

(2) Private provider--A private facility, institution, entity, agency, or business inside or outside of Texas that is approved to contract with a school district for the provision of special education and related services in a day placement program when the school district is unable to provide the services. A provider that a school district contracts with only for the provision of related services is not subject to the requirements of this section.

(3) Program administrator--A public or private provider that administers a day placement program as part of a cooperative available for districts to contract with on an as-needed basis.

(4) Public day placement program-district operated--A public day placement program-district operated includes the provision of special education and related services to Texas public school students from more than one school district by personnel employed by the operating school district (program administrator) for more than 50% of the student's instructional day in a classroom or facility owned and operated by the operating school district (program administrator), but the classroom or facility is not housed on a regular campus. A school district program that provides special education and related services to one or more of its resident (enrolled) students by district personnel for more than 50% of the student's instructional day in a classroom or facility owned or operated by the school district, but the classroom or facility is not housed on a regular campus is not subject to the requirements of this rule regarding establishment and approval, but the district shall still report the establishment and operation of these programs in accordance with a schedule and method prescribed by TEA.

(5) Public day placement program-non-district operated--A public day placement program-non-district operated includes the provision of special education and related services to one or more Texas public school students for more than 50% of the student's instructional day by personnel employed with or contracted by an education service center (ESC) or the Harris County Department of Education (HCDE) in a classroom or facility owned or leased by the ESC, HCDE, or a district with which an ESC or HCDE is contracting to provide services.

(6) Public provider--A school district, an ESC, or HCDE approved to operate a public day placement program.

(7) Regular campus--A public school campus that is designed primarily to teach the general education curriculum to students with and without disabilities.

(8) School district--The definition of a school district includes independent school districts established under TEC, Chapter 11, Subchapters A-F, and open-enrollment charter schools established under TEC, Chapter 12, Subchapter D.

(e) This section does not apply to placements in Head Start programs; at Texas School for the Blind and Visually Impaired; at Texas School for the Deaf; in transition-focused programs at district and community facilities for students who have met requirements for graduation and received a diploma but are continuing or have returned for the provision of services as authorized under §89.1070(b)(2) or (c)(1)-(3) of this title (relating to Graduation Requirements); in centralized locations for children receiving early childhood special education services; in a Regional Day School Program for the Deaf; or any program made for purposes other than ensuring the provision of a FAPE.

(f) To the extent that school districts are part of a shared services arrangement (SSA) for the provision of special education and related services and where those services are provided in a centralized location for only those districts that are members of the SSA, this section shall not apply. However, to the extent that an SSA allows students from districts that are not members of the SSA to be accepted into the SSA's centralized location's program, or when an SSA contracts with a private provider that would be subject to this rule, this section shall apply.

(g) TEA shall periodically solicit applications from public and private day placement program providers that wish to operate or provide day placement programs and services. TEA shall also accept applications from public and private providers on an ongoing basis. A current contract for student placement with a school district is not required in order to be considered for approval.

(h) All contracts for residential placements under this section must be approved by TEA. A school district must utilize TEA's list of approved day placement program providers when considering day

placement for a student. If the school district wishes to contract with a provider not on the list, the provider must submit an application to TEA.

(i) An approved private provider that wishes to replicate a current program with another school district must receive approval from TEA prior to establishing a new program.

(j) A school district that operates as an approved program administrator shall notify TEA within 30 calendar days from an ARD committee's decision to place its own enrolled student in its approved program.

(k) A public or private day placement program provider must meet minimum standards established by TEA to be approved and to remain in approved status. The minimum standards will address, but not be limited to, the following:

(1) requirements regarding appropriate certification or licensure for those who will work with students placed in the program;

(2) academic and behavioral curriculum content requirements and expectations;

(3) criminal background check requirements that must be at least equivalent to those required of public school employees;

(4) health and safety standards and any local or state accreditation and permit requirements;

(5) physical plant and equipment requirements;

(6) written policies, procedures, and operating guidelines that must include necessary standards and steps to be followed to ensure each student maintains the same rights as other public school students with disabilities, including when a student is subject to emergency behavioral interventions or disciplinary actions, as well as to ensure the prohibition of aversive techniques as defined by TEC, §37.0023; and

(7) fee schedules and guidelines for establishing fees for services.

(l) Once initially approved, a day placement program provider must go through a reapproval process at least once every five years unless TEA has withdrawn approval before the end of the approval period or the provider has withdrawn their provider status before the end of the approval period. A provider seeking reapproval shall submit interest in reapproval in accordance with timelines and materials published by TEA. If a previously approved provider wants to be considered for approval again after its approval period has expired or has been withdrawn, the provider must reapply as if the provider was seeking initial approval. Additionally, the following provisions apply.

(1) TEA may place conditions on the day placement program provider to ensure the provision of a FAPE for students who have been placed in the day placement program during the provider's approval period or during a reapproval process.

(2) If TEA does not approve, does not reapprove, or withdraws an approval from a day placement program provider, a school district must take steps to remove any students currently placed in the program, or cancel a student's planned placement, as expeditiously as possible adhering to TEA established timelines.

(m) TEA may conduct announced or unannounced onsite visits at a day placement program that is serving one or more Texas public school students in accordance with this section and will monitor the program provider's compliance with the requirements of this section.

(n) Before a student's ARD committee places a student in, or refers a student to, a day placement program, the ARD committee shall convene an ARD committee meeting to review and revise as necessary an IEP for the student in accordance with 34 Code of Federal Regulations (CFR), §§300.320-300.325, applicable state statutes, and commissioner rules in this chapter to ensure that all IEP statements, descriptions, and explanations reflect the student's current academic, functional, and developmental needs.

(o) The district shall initiate and conduct an onsite, in-person review of the program to ensure that the program is appropriate for meeting the student's functional, developmental, and academic needs before placement in the program.

(p) The student's ARD committee may only recommend a day placement program if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated on a regular campus in the school district. Additionally, the following requirements apply.

(1) The student's IEP must list which individualized supports and services a regular campus in the school district is unable to provide and which services the program will provide.

(2) At the time the ARD committee determines placement, the ARD committee shall establish, in writing, criteria and a projected date for the student's return to a regular campus in the school district and document this information in the IEP.

(q) The appropriateness of the placement and the program must be documented in the student's IEP at least annually. The student's progress toward reintegration, the appropriateness of the reintegration criteria, and the projected reintegration date shall be documented in the IEP at least annually.

(r) A school district that contracts for a public or private day placement program shall make a minimum of two onsite, in-person visits annually, one announced and one unannounced, and more often if directed by TEA, to:

(1) review academic and behavioral data to verify that the program provider is implementing IEP services and any other contractual obligations, including meeting the TEA minimum standards; and

(2) verify that the day placement program continues to be the least restrictive environment for the student.

(s) The placement of more than one student in the same program may be considered in the same onsite visit. However, the IEP of each student must be individually reviewed and a determination must be made for each student regarding the appropriateness of placement and services to be provided.

(t) Within 30 calendar days from an ARD committee's decision to place a student in an approved day placement program, the placing school district must electronically submit to the TEA notice of the placement and the fully executed contract in accordance with submission procedures specified by TEA.

(1) The contract for an individual student recommended for or placed in an approved day placement program shall be reviewed by TEA. Under no circumstances shall a contract violate the minimum standards or program's established guidelines that were included as part of the provider's approval process.

(2) TEA will give the parties an opportunity to amend a contract that does not comply with the minimum standards or contains language or terms that preclude agency approval of the contract.

(3) Contracts between school districts and approved day placement program providers shall not begin prior to August 1 of the contracted program year and must not extend past July 31.

(4) Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change to the contract. TEA has authority to approve or deny these amendments. If denied, the parties will be given an opportunity to further amend the contract to address the issue or issues that precluded TEA approval.

(u) If a student who is placed in an approved day placement changes his or her residence to another Texas school district during the school year, the school district must notify TEA within 10 calendar days of the date on which the school district ceased contracting with the program provider for the student's placement or withdrew the student from the program. The student's new school district must meet the requirements of 34 CFR, §300.323(e), by providing comparable services to those described in the student's IEP from the previous school district until the new school district either adopts the student's IEP from the previous school district or develops, adopts, and implements a new IEP. The new school district must comply with all procedures described in this section for continued or new program placement.

(v) If a day placement program is ordered by a special education hearing officer or court of competent jurisdiction, the school district must notify TEA of the order within 30 calendar days. The program provider serving the student is not required to go through the approval procedures described in this section for the ordered placement. If, however, the school district or other school districts intend to place other students in that same program, the program provider will be required to go through the approval procedures to be included on the commissioner's list of approved providers.

(w) The cost of day placement programs will be funded according to TEC, §§48.102, 48.1021, and 48.1022; §89.1005 of this title; §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook); and local and federal funds as necessary and appropriate.

(x) Approved providers with current contracts for student placements entered into prior to September 1, 2026, or the effective date of the most recent amendments to this section, whichever is later, shall have until January 1, 2027, to become compliant with all current TEA requirements for day placement programs if they wish to remain on the approved list. TEA may grant exceptions to this deadline in extenuating circumstances.

(y) To qualify for the allotment authorized by TEC, §48.304, a program must also meet the requirements of this section and any other TEA-established criteria for the award of those funds.

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 May 4, 2026.

TRD-202601899
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

DIVISION 4. SPECIAL EDUCATION FUNDING

19 TAC §89.1121, §89.1125

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §29.001, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for the implementation of special education law; TEC, §29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for a full individual and initial evaluation; TEC, §29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes contracts for services to students with disabilities in a residential or day placement program; TEC, §29.011, which establishes transition planning; TEC, §29.026, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes rulemaking authority for the commissioner as necessary to implement TEC, Chapter 29, Subchapter A; TEC, §48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the funding framework for students receiving special education services under the Foundation School Program; TEC, §48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education service groups used in determining funding under the Foundation School Program; TEC, §48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes special education transition year funding; TEC, §48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes day placement program or cooperative funding; 34 CFR, §300.101, which establishes the requirement that free appropriate public education (FAPE) be available to all eligible children with disabilities; 34 CFR, §§300.114-300.118, which establish least restrictive environment requirements, including placement decisions and the provision of services in settings with nondisabled peers to the maximum extent appropriate; 34 CFR, §300.115, which requires public agencies to ensure a continuum of alternative placements is available to meet the needs of children with disabilities; 34 CFR, §300.129, which addresses the responsibilities of public agencies for children placed in or referred to private schools or facilities; 34 CFR, §300.147, which establishes state educational agency responsibilities for ensuring compliance and monitoring private school placements; 34 CFR, §§300.301-300.311, which establish requirements for evaluations, reevaluations, and eligibility determinations, including timelines and evaluation procedures; and 34 CFR, §300.503, which requires public agencies to provide parents prior written notice before proposing or refusing actions related to identification, evaluation, educational placement or the provision of FAPE.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§29.001, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.003, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.004; 29.008, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 29.011; 29.026, as added by HB 2 and SB 568, 89th Texas Legislature, 2025; 48.102, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 48.1021, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.1022, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; 48.304, as added by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025; and 34 Code of Federal Regulations (CFR), §§300.101, 300.114-300.118, 300.115, 300.129, 300.147, 300.301-300.311, and 300.503.

§89.1121. Distribution of State Funds.

(a) Procedures for counting the average daily attendance (ADA) of students receiving special education and related services [~~in various instructional settings~~] must be developed by the commissioner of education and included in the student attendance accounting handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

(b) State special education funding shall be based on the assigned tier as described by Texas Education Code (TEC), §48.102, and any service groups reported under TEC, §48.1021, [~~funds must be distributed to school districts on the basis of ADA of full-time equivalents of eligible students served~~] in accordance with this section and the student attendance accounting handbook adopted under §129.1025 of this title [~~§129.21 of this title (relating to Requirements for Student Attendance Accounting for State Funding Purposes)~~].

(c) Funding for the 2026-2027 school year shall be determined in accordance with TEC, §48.1022.

[~~(c) The special education attendance must be converted to contact hours by instructional arrangement and then to full-time equivalents. The full-time equivalent for each instructional arrangement is multiplied by the annual amount equal to the basic allotment or, if applicable, the sum of the basic allotment and the allotment under Texas Education Code (TEC), §48.101, and then multiplied by the weight for the instructional arrangement as prescribed in TEC, §48.102(a). Contact hours for any one student receiving special education services may not exceed six hours per day or 30 hours per week for funding purposes. The total contact hours generated per week is divided by 30 to determine the full-time equivalents. Special education full-time equivalents generated are deducted from the school district's ADA for purposes of the regular education allotment.~~]

(d) The receipt of special education funds is contingent upon the operation of an approved comprehensive special education program in accordance with state and federal laws and regulations. [~~No district may divert special education funds for other purposes, with the exception of administrative costs as defined in Chapter 105, Subchapter B, of this title (relating to Use of State Funds).~~] Funds generated by TEC, §48.102 and §48.1021, [~~full-time equivalents in one instructional arrangement~~] may be spent on the overall special education program and are not limited to the student who [~~instructional arrangement which~~] generated the funds. The district must maintain separate accountability for the total state special education program fund within the general fund.

(e) A special education fund balance may be carried over to the next fiscal year but must be expended on the special education program in the subsequent year. State special education carryover funds cannot be used for administrative costs.

[~~(f) Students who are at least three, but younger than 22, years of age on September 1 of the current scholastic year who participate in the regional day school program for the deaf may be counted as part of the district's ADA if they receive instruction from the basic program for at least 50% of the school day.~~]

(f) [~~(g)~~] Students from birth through age two with a visual impairment, who are deaf or hard of hearing, or who are deafblind [~~both~~] who are provided services by the district according to an individualized [~~individual~~] family services plan [~~(IFSP)~~] must be enrolled on the district home or regional day school program for the deaf campus and must be considered eligible for ADA in accordance with this section and the student attendance accounting handbook adopted under §129.1025 of this title [~~on the same basis as other students receiving special education services~~].

[~~(h) Funding for the mainstream special education instructional arrangement must be based on the average daily attendance of the students in the arrangement multiplied by the annual amount equal to the basic allotment or, if applicable, the sum of the basic allotment and the allotment under TEC, §48.101, and the 1.15 weight as provided by TEC, §48.102(a). The attendance must not be converted to contact hours/full-time equivalents as with the other instructional arrangements.~~]

(g) A student shall be reported for the highest tier for which they meet criteria according to services and supports documented in their individualized education program (IEP) and as determined by their admission, review, and dismissal (ARD) committee. The tiers prescribed by TEC, §48.102, shall consist of and be driven by the following.

(1) The five domains to be considered are:

(A) curriculum and instruction supports;

(B) communication supports;

(C) behavioral supports;

(D) independent functioning supports; and

(E) personal care/health supports.

(2) Each domain shall be scored and then added together to determine the composite score.

(3) The Texas Education Agency (TEA) will develop domain criteria and point bands aligned to those criteria, and the tiers shall be aligned with the following descriptions.

(A) Tier 1--students who receive speech therapy as their only instructional service or receive minimal special education services.

(B) Tier 2--low intensity academic or communication supports.

(C) Tier 3--moderate, targeted special education services.

(D) Tier 4--sustained, multi-domain support.

(E) Tier 5--high intensity instructional and/or behavioral support.

(F) Tier 6--very high intensity, complex needs.

(G) Tier 7--pervasive, school-day-dominant support.

(H) Tier 8--residential placement (See §89.1092 of this title (relating to Residential Placement Programs for the Provision of a Free Appropriate Public Education (FAPE)).

(h) Pervasive, school-day-dominant support as described by subsection (g)(3)(G) of this section shall include, but may not be limited to, special education and related services provided in a public or private day placement program (See §89.1094 of this title (relating to Day Placement Programs for the Provision of a Free Appropriate Public Education (FAPE)).

(i) A student shall be reported for each service group level for which the student meets criteria according to services and supports documented in the IEP and as determined by their ARD committee. The service groups shall be categorized as follows.

(1) Service Group 1--related services provided at least 180 minutes and less than 270 minutes per six-week period; student receives special transportation as a related service; and/or student receives parent counseling and training as a related service.

(2) Service Group 2--related services provided at least 270 minutes and less than 540 minutes per six-week period.

(3) Service Group 3--related services provided at least 540 minutes per six-week period.

(4) Service Group 4--1:1 provider-to-student ratio needed between 50% and 80% of the student's instructional day.

(5) Service Group 5--1:1 provider-to-student ratio needed over 80% of the student's instructional day.

(j) TEA shall develop guidance documents and materials for school systems to use in determining the tier and service groups for a student as described by subsections (g)-(j) of this section.

§89.1125. Allowable Expenditures of State Special Education Funds.

(a) Persons paid from state special education funds shall be assigned to instructional or other duties in the special education program and/or to provide support services to the general [~~regular~~] education program in order for students with disabilities to be included in the general education [~~regular~~] program. Support services shall include, but not be limited to, collaborative planning, co-teaching, small group instruction with students with and without disabilities [~~special and regular education students~~], direct instruction to [~~special education~~] students receiving special education and related services, or other support services determined necessary by the admission, review, and dismissal [~~(ARD)~~] committee for an appropriate program for the student with disabilities. Assignments may include duties supportive to school operations equivalent to those assigned to general [~~regular~~] education personnel.

(b) Personnel assigned to provide support services to the general [~~regular~~] education program as stated in subsection (a) of this section may be fully funded from state special education funds.

(c) If personnel are assigned to special education on less than a full-time basis, except as stated in subsection (a) of this section, only that portion of time for which the personnel are assigned to students with disabilities shall be paid from state special education funds.

(d) State special education funds may be used for special materials, supplies, and equipment that [~~which~~] are directly related to the development and implementation of individualized education programs [~~(IEPs)~~] of students and which are not ordinarily purchased for the general education [~~regular~~] classroom. Office and routine classroom supplies are not allowable. Special equipment may include instructional and assistive technology devices, audiovisual equipment, computers for instruction or assessment purposes, and assessment equipment only if used directly with students.

(e) State special education funds may be used to contract with consultants or licensed, certified, or otherwise credentialed professionals to provide staff development, program planning and evaluation, instructional services, support services, assessments, and related services to students with disabilities.

[~~(f) State special education funds may be used for transportation only to and from residential placements. Prior to using federal funds for transportation costs to and from a residential facility, a district must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.~~]

(f) [~~(g)~~] State special education funds may be used to pay staff travel to perform services directly related to the education of eligible students with disabilities. Funds may also be used to pay travel of staff, [~~(~~]including administrators, general education teachers, and special education teachers and service providers, [~~)~~] to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible students with disabilities. In no event shall the purpose for attending such staff development meetings include time spent in performing functions relating to the operation of professional organizations. Funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.

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 May 4, 2026.

TRD-202601900
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497



CHAPTER 110. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR ENGLISH LANGUAGE ARTS AND READING

The State Board of Education (SBOE) proposes new §§110.10, 110.30, and 110.70, concerning Texas Essential Knowledge and Skills (TEKS) for English language arts and reading. The proposed new sections would add lists of literary works to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

BACKGROUND INFORMATION AND JUSTIFICATION: The 88th Texas Legislature, Regular Session, 2023, passed HB 1605 relating to instructional material and technology. HB 1605 added Texas Education Code (TEC), §28.002(c-4), which requires the SBOE, in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade level. A discussion item at the November 2025 SBOE meeting provided an opportunity for the Committee of the Full Board to discuss recommendations from the commissioner of education for literary works to be taught in each grade level as required by HB 1605. At the January 2026 meeting, the SBOE postponed first reading and filing authorization of proposed new 19 TAC §§110.10, 110.30, and 110.70 until the April 2026 meeting.

The proposed new sections would adopt literary works lists required to be taught in English language arts and reading in Kindergarten-Grade 12.

The SBOE approved the proposed new sections for first reading and filing authorization at its April 10, 2026 meeting.

FISCAL IMPACT: Shannon Trejo, deputy commissioner for school programs, has determined that for the first five years the proposal is in effect (2026-2030), there are no additional costs to state government. There will be fiscal implications for school districts and charter schools to implement the proposed literary works lists, which would include the purchase of the literary works and may also include the need for professional development and revisions to district-developed curriculum and scope and sequence documents. Since instructional material purchases and curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by adding lists of required literary works to the TEKS for reading language arts.

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: Dr. Trejo has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure that all students in the state of Texas have the opportunity to read the same literary works. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins May 15, 2026, and ends at 5:00 p.m. on June 15, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2026 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 15, 2026.

SUBCHAPTER A. ELEMENTARY

19 TAC §110.10

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.10. Literary Works Lists, Kindergarten-Grade 5, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works included in the figures in subsection (f)(1)-(6) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(6) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.2-110.7 of this chapter (relating to English Language Arts and Reading, Kindergarten, Adopted 2017; English Language Arts and Reading, Grade 1, Adopted 2017; English Language Arts and Reading, Grade 2, Adopted 2017; English Language Arts and Reading, Grade 3, Adopted 2017; English Language Arts and Reading, Grade 4, Adopted 2017; and English Language Arts and Reading, Grade 5, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(6) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Students in Kindergarten-Grade 4 are still developing proficiency in beginning reading and writing skills. Specific reading material used to develop those reading and writing skills, including decodable readers and grammar and handwriting guidance documents, are necessary to support that instruction but are not referenced in this section. Student expectations related to listening and speaking in those grades can be supported by exposing students to a range of literary works with more complex vocabulary. Consequently, certain literary works required by this section in Kindergarten-Grade 4 are noted as being recommended for implementation as being read aloud to the student as noted in the figures in subsection (f)(1)-(6) of this section. Even if a literary work is listed with a recommendation that it be read aloud, it may be read directly by students when appropriate, potentially with adult assistance. If a literary work is not listed with a recommendation that it be read aloud, it must be read by students, with adult assistance where necessary.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Kindergarten list, entitled "Required Literary Works - Kindergarten."
Figure: 19 TAC §110.10(f)(1)

(2) Grade 1 list, entitled "Required Literary Works - Grade 1."
Figure: 19 TAC §110.10(f)(2)

(3) Grade 2 list, entitled "Required Literary Works - Grade 2."
Figure: 19 TAC §110.10(f)(3)

(4) Grade 3 list, entitled "Required Literary Works - Grade 3."
Figure: 19 TAC §110.10(f)(4)

(5) Grade 4 list, entitled "Required Literary Works - Grade 4."
Figure: 19 TAC §110.10(f)(5)

(6) Grade 5 list, entitled "Required Literary Works - Grade 5."
Figure: 19 TAC §110.10(f)(6)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(6) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(6) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(6) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601885
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §110.30

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.30. Literary Works Lists, Grades 6-8, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works included in the figures in subsection (f)(1)-(3) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(3) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.22-110.24 of this chapter (relating to English Language Arts and Reading, Grade 6, Adopted 2017; English Language Arts and Reading, Grade 7, Adopted 2017; and English Language Arts and Reading, Grade 8, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(3) of this section. The literary works required by this section represent the minimum literary works to be read by students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set a of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Grade 6 list, entitled "Required Literary Works - Grade 6."
Figure: 19 TAC §110.30(f)(1)

(2) Grade 7 list, entitled "Required Literary Works - Grade 7."
Figure: 19 TAC §110.30(f)(2)

(3) Grade 8 list, entitled "Required Literary Works - Grade 8."
Figure: 19 TAC §110.30(f)(3)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(3) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(3) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(3) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601886
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER C. HIGH SCHOOL

19 TAC §110.70

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.70. Literary Works Lists, High School, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works included in the figures in subsection (f)(1)-(4) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(4) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.36-110.39 of this chapter (relating to English Language Arts and Reading, English I (One Credit), Adopted 2017; English Language Arts and Reading, English II (One Credit), Adopted 2017; English Language Arts and Reading, English III (One Credit), Adopted 2017; and English Language Arts and Reading, English IV (One Credit), Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(4) of this section. The literary works required by this section represent the minimum literary works to be read by students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) English I list, entitled "Required Literary Works - English I."
Figure: 19 TAC §110.70(f)(1)

(2) English II list, entitled "Required Literary Works - English II."
Figure: 19 TAC §110.70(f)(2)

(3) English III list, entitled "Required Literary Works - English III."
Figure: 19 TAC §110.70(f)(3)

(4) English IV list, entitled "Required Literary Works - English IV."
Figure: 19 TAC §110.70(f)(4)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(4) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(4) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(4) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601887
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 113. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SOCIAL STUDIES

The State Board of Education (SBOE) proposes new §§113.1-113.6, 113.21-113.25, 113.27-113.29, 113.32-113.39, and 113.127, concerning Texas Essential Knowledge and Skills (TEKS) for social studies. The proposed new TEKS would update the social studies standards and implement House Bill (HB) 27, HB 824, and Senate Bill (SB) 24, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The TEKS for social studies and economics were originally adopted effective September 1, 1998. The Kindergarten-Grade 12 social studies TEKS and the TEKS for economics were revised effective August 23, 2010. In 2015, the SBOE adopted revisions to the TEKS for certain Advanced Placement (AP) and International Baccalaureate (IB) social studies courses to require that students demonstrate proficiency in the TEKS for the corresponding AP and IB courses, in addition to the AP or IB course requirements. In 2018, the SBOE approved streamlining revisions to the social studies TEKS for Kindergarten-Grade 8 and four high school social studies courses (United States History Studies, World History Studies, World Geography, and United States Government). The SBOE also streamlined the TEKS for Economics with Emphasis on the Free Enterprise System and Its Benefits and consolidated the TEKS for economics into Chapter 113. In April 2020, the SBOE approved proposed revisions to Chapter 113, Subchapter D, to update references to course numbers and titles to reflect the revisions to the social studies TEKS.

In 2021, SB 1063, 87th Texas Legislature, Regular Session, amended Texas Education Code (TEC), §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 required that the SBOE adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics. At its June 2022 meeting, the SBOE adopted TEKS for the new course, §113.76, Personal Financial Literacy and Economics, and the rule became effective August 1, 2022.

In 2021, the 87th Texas Legislature passed HB 4509, Regular Session, and SB 3, Second Called Session, to require the teaching of informed patriotism and the founding documents of the United States and require the SBOE to adopt essential knowledge and skills for social studies that develop each student's civic knowledge, including an understanding of the fundamental moral, political, and intellectual foundations of the United States government. The SBOE approved proposed amendments to Chapter 113, Subchapters A-C, to update the standards for Kindergarten-Grade 8 and five high school courses (Economics with Emphasis on the Free Enterprise System and Its Benefits, United States History Studies Since 1877, World History Studies, World Geography Studies, and United States Government) to align with SB 3 requirements.

In October 2024, the chairman of the SBOE established an ad hoc committee on social studies standards. The committee was charged with evaluating Texas's current social studies learning standards, researching best practices in history and civics education, and providing recommendations for developing exemplary state standards to ensure that Texas students receive a high-quality social studies education that prepares them for informed citizenship.

The goal of the committee was to provide clear, actionable recommendations for developing social studies curriculum standards that will position Texas as a national leader in history and civics education. The standards should equip students with essential knowledge of world, United States, and Texas history; geography; and civic institutions while fostering the skills and dispositions needed for engaged citizenship in a diverse democratic republic.

In 2025, the 89th Texas Legislature, Regular Session, passed HB 27, which revised the high school social studies graduation requirement for students who enter Grade 9 in the 2026-2027 school year and thereafter. Under HB 27, students must successfully complete a one-half credit personal financial literacy course instead of the one-half credit economics course or one-half economics and personal financial literacy and economics course to satisfy the economics requirement under the Foundation High School Program. Additionally, the bill permits students in this cohort to select the third social studies credit required for graduation from one credit in economics, world ge-

ography, or world history. As a result, the bill requires the approval of a one-credit economics course for this cohort while the current one-half economics course offerings remain in place for students not subject to HB 27. The bill also added new TEC, §28.025(b-24), requiring the SBOE to allow a student to comply with the personal financial literacy requirement by successfully completing an AP course that contains substantively similar and rigorous academic content.

HB 824, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-3), to require the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge, including the role of government officials, the voting process, the eligibility requirements to run for elected office, Robert's Rules of Order, and the elected officials who represent the student.

Additionally, SB 24, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-11), to require the SBOE to adopt social studies TEKS for Grades 4-12 that develop each student's understanding of communist regimes and ideologies and that provide age and developmentally appropriate instruction and information on the topic.

During the April 10, 2025 Ad Hoc Committee on Social Studies meeting, a public hearing on recommendations for a framework to guide the organization of the TEKS for social studies, including the identification of core content topics that students should know in United States history, Texas history, world history, geography, and civics in Kindergarten-Grade 12, was conducted. Texas Education Agency (TEA) staff presented an update on the status and progress of the Social Studies Ad Hoc Committee's charges, and the Committee of the Full Board (COFB) heard public testimony at the June 2025 meeting. A survey to collect input on key topics, strand titles, course sequencing/layering, and effective practices to inform the social studies TEKS revision was distributed in August 2025.

At the September 2025 meeting, the SBOE approved the social studies framework course sequence and strands for Kindergarten-Grade 8. The SBOE designated content advisors for the social studies TEKS review, and an application to serve on social studies TEKS review work groups was posted on the TEA website in October 2025. A discussion item regarding content advisor recommendations for key topics to be included in the social studies TEKS framework was presented to the COFB at the November 2025 meeting. The content advisors were also directed to address instructional requirements from HB 27, HB 824, and SB 24 in their recommendations. At the January 2026 meeting, the SBOE approved key topics and subtopics to be included in the new TEKS for social studies. Work group meetings were convened in February 2026 to develop draft recommendations for the new social studies TEKS. As part of the SBOE's process for the review and revision of the TEKS, education service centers (ESCs) collected feedback from educators in their regions on the work group drafts and submitted the feedback to TEA.

The SBOE held a public hearing and discussed the proposed new TEKS for social studies at a special called meeting in February 2026. In March 2026, TEA convened additional work groups to address the feedback from the SBOE and ESC focus groups to finalize their recommendations.

The SBOE approved the proposed new sections for first reading and filing authorization at its April 10, 2026 meeting.

FISCAL IMPACT: Shannon Trejo, deputy commissioner for school programs, has determined that for the first five years the proposal is in effect (2026-2030), there are fiscal implications to the state. The estimated cost to TEA for revision of the social studies TEKS is $245,000 in Fiscal Year 2026. As part of the SBOE's TEKS review process, TEA executes personal services contracts with SBOE-appointed content advisors to provide written feedback on the TEKS. The content advisors may also be invited to testify before the board at an SBOE meeting. Expenses for travel to attend a meeting are reimbursed.

There may be fiscal implications for school districts and charter schools to implement the proposed new TEKS, which is expected to include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new social studies TEKS required to be offered by school districts and charter schools.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, 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: Dr. Trejo has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to update the standards to align with recent legislative requirements and ensure the standards remain current. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not

require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins May 15, 2026, and ends at 5:00 p.m. on June 15, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2026 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 15, 2026.

SUBCHAPTER A. ELEMENTARY

19 TAC §§113.1 - 113.6

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.1. Social Studies, Kindergarten, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Kindergarten, students begin their study of social studies by learning about themselves as American citizens and members of a home, family, and classroom and the role of rules in communities and by developing an early understanding of citizenship, patriotism, and civic responsibility in a republican self-government. Through stories, symbols, celebrations, and everyday experiences, students explore Texas and national heritage and the contributions of individuals that help communities function and foster respect for others. The concept of chronology is introduced. Students apply geographic concepts using maps, globes, and images, and acquire information from a variety of oral storytelling and visual sources to build foundational historical and economic understanding while practicing civic habits that preserve liberty through participation and listening skills.

(A) Students learn about rules and citizenship by examining how families, schools, and communities work together. They explore the purpose of rules, practice critical thinking as an individual, respectful discussion, and identify the Constitution as the supreme law of the land, an important national document that protects freedoms and liberty. Students recognize community helpers and public servants, learn how people honor service, and develop an understanding of patriotism through national and state symbols, pledges, songs, and stories. Through these experiences, students begin to see themselves as citizens who show respect, responsibility, and pride in their community, state, and country.

(B) Students explore history, geography, and culture through stories of American Indians, early explorers, and early American communities. They learn about the Iroquois, Cherokee, and Comanche by examining stories, homes, foods, artifacts, and regions using maps and images. Students hear stories of exploration, the Plymouth Colony, the first Thanksgiving, and important historical figures such as George Washington. These studies help students understand how people lived in different places, how geography influenced daily life, and how cooperation and leadership shaped early communities.

(C) The course introduces foundational economic and geographic concepts by helping students distinguish between wants and needs, goods and services, and individual ownership. Students use maps and globes to identify continents, oceans, and important locations, describe relative location, and understand where they live in relation to other places. The year concludes with stories of innovation and leadership, highlighting individuals whose ideas and service contributed to the growth of America and Texas. Throughout Kindergarten, students build essential social studies vocabulary and skills that prepare them for deeper historical, civic, and geographic study in later grades.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong

property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish, with adult assistance, between a photograph or artifact and a story or textbook as different ways of learning about the past and identify what each source shows about people or places (H, GEO/C, S);

(B) identify, with adult assistance, what happened and why in a story or event, using the words "because" and "so" to describe simple cause-and-effect relationships (H, G/Civ, S);

(C) use the sequential terms beginning, middle, and end to retell events from stories and describe how things changed over time (H, Geo/C, S);

(D) answer a question about the past by pointing to or describing information from a story, image, or artifact shared in class (H, G/Civ, Geo/C, S); and

(E) practice civil discourse by taking turns speaking, listening respectfully while others share ideas, and expressing disagreement using kind words, recognizing that working together and following rules helps communities function (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of Social Studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) American Indians in Early America. The student knows stories about the Iroquois, Cherokee, and Comanche. The student is expected to:

(A) retell, in ways that maintain meaning, American Indian origin stories, including Wise Owl from the Iroquois, Ye-Ho-Waah from the Cherokee, and Clever Coyote from the Comanche (H, Geo/C, S);

(B) identify the Three Sisters crops in pictures, including squash, beans, and corn, as foods grown by the Iroquois and Cherokee (H, Geo/C, S);

(C) identify the bison (buffalo) in pictures as food hunted by the Comanche (Geo/C, H, S);

(D) identify, using pictures, that the Iroquois lived in longhouses, the Comanche lived in tipis, and the Cherokee lived in wattle-and-daub houses (H, Geo/C, S);

(E) identify, on a map and with adult assistance, that the Iroquois lived in the Northeast forests, the Cherokee in the Southeastern woodlands, and the Comanche in the Great Plains (H, Geo/C, S);

(F) describe trading as giving something to get something in return (H, Geo/C, E, S); and

(G) identify artifacts, including arrowheads, pottery, and animal hides, traded by the Iroquois, Comanche, and Cherokee (H, Geo/C, S).

(2) Early Exploration of America and Texas. The student understands early exploration using globes and maps. The student is expected to:

(A) define a continent as a large piece of land on Earth and locate a continent on a map (Geo/C, S);

(B) identify North America as the continent where we live (Geo/C, S);

(C) locate, on a globe and a map, Europe, the Atlantic Ocean, North America, and Texas (Geo/C, S); and

(D) describe relative location using the spatial terms near and far (Geo/C, S).

(3) Early Exploration of America and Texas. The student understands stories about Explorers. The student is expected to:

(A) retell, with adult assistance using pictures and a map, the story of Christopher Columbus who sailed from Spain across the Atlantic Ocean and landed in the Americas in 1492 (H, Geo/C, S);

(B) retell, with adult assistance using pictures and a map, the story of Cabeza de Vaca who shipwrecked near the Texas coast and traveled across Texas (H, Geo/C, S); and

(C) retell, with adult assistance using pictures and a map, the story of Coronado who went in search of gold in the Americas (H, Geo/C, S).

(4) The Plymouth Colony. The student understands important locations for the Plymouth Colony. The student is expected to locate on a map, with adult assistance, England and Massachusetts (Geo/C, S).

(5) The Plymouth Colony. The student knows the story of the Mayflower. The student is expected to:

(A) retell, with adult assistance using pictures and a map, the story of the Pilgrims who sailed on a wooden ship called the Mayflower across the ocean (H, Geo/C, S);

(B) explain that the Pilgrims were people from England who came to America seeking religious freedom, political freedom, to advance the Christian faith, and to work together to build a community (H, G/Civ, Geo/C, S); and

(C) explain that the Mayflower Compact was an agreement to work together, choose leaders, and follow rules, based on Christian values, for the good of the community (H, G/Civ, Geo/C, S).

(6) The Plymouth Colony. The student knows the story of the Plymouth Thanksgiving. The student is expected to:

(A) describe Squanto as a Wampanoag Indian leader who helped the Pilgrims learn to grow food and survive in a new place (H, Geo/C, S);

(B) describe Massasoit as a Wampanoag Indian who worked with the Pilgrims to make peace and share food during the Plymouth Thanksgiving story (H, Geo/C, S); and

(C) retell the story of the Plymouth Thanksgiving between the Pilgrims who gave thanks to God and their Wampanoag neighbors (H, Geo/C, S).

(7) George Washington: Father of Our Country. The student understands that George Washington is known as the Father of Our Country. The student is expected to:

(A) identify, with adult assistance, an image of George Washington in primary sources (S);

(B) locate North America; the United States; Washington, D.C.; and Virginia on a map and identify Virginia as the birthplace of George Washington (Geo/C, S);

(C) retell, with adult assistance using a timeline, stories of George Washington, including his life as a responsible and respectful child, a general in the military, and the first president of the United States (H, G/Civ, S);

(D) explain, with adult assistance, why George Washington is called the Father of Our Country (H, G/Civ, S); and

(E) identify Washington, D.C., as the capital of the United States, named after George Washington, where the current president lives and works (Geo/C, S).

(8) Free Enterprise. The student understands key elements of free enterprise. The student is expected to:

(A) identify, with adult assistance, and sort pictures of goods and services (G/Civ, E, S);

(B) identify, with adult assistance, and sort pictures of wants and needs (G/Civ, E, S);

(C) describe individual ownership using the words mine and yours (G/Civ, E, S); and

(D) describe how people choose what goods and services to buy (G/Civ, E, S).

(9) American Citizenship. The student knows symbols of patriotism. The student is expected to:

(A) identify the Bald Eagle, the Liberty Bell, and the Statue of Liberty as national symbols of freedom and independence (H, G/Civ, S); and

(B) recognize "The National Anthem" when played aloud and practice good citizenship behaviors while listening, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S).

(10) American Citizenship. The student understands examples of patriotism. The student is expected to:

(A) identify the American flag as a national symbol of freedom and independence (H, G/Civ, S);

(B) retell, with adult assistance, the story of Betsy Ross, who is remembered as a good citizen and for making the first American flag, using the sequential terms beginning, middle, and end (H, S);

(C) recite the Pledge of Allegiance, practicing good citizenship behavior, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S);

(D) explain that reciting the Pledge of Allegiance shows pride and is an example of being a good citizen (G/Civ); and

(E) use voting as a method for decision making and recognize that voting is a right, responsibility, and privilege of American citizenship (G/Civ).

(11) We the People: Rules in the Community. The student understands the role of rules. The student is expected to:

(A) define community as a group of people who live and work together (Geo/C, S);

(B) distinguish among the terms community, city, state, and country (Geo/C);

(C) explain the purpose for having rules at home, school, and in the community (G/Civ, S);

(D) demonstrate respectful listening and responding during classroom discussions (S); and

(E) identify the Constitution as the most important rule book in our country, protecting liberties, rights, and freedoms for Americans (G/Civ, S).

(12) Lone Star Heritage: Stories and Symbols. The student knows stories and symbols of faith, fairness, and freedom in Texas. The student is expected to:

(A) retell, with adult assistance using pictures and a map, the story about Father Damián Massanet, a priest who came to Texas to help people and build churches, called missions, and teach Christianity to American Indians (H, Geo/C, S);

(B) retell, with adult assistance using pictures and a map, the story about Tejano leader José Antonio Navarro that describes how he welcomed settlers to Texas (H, Geo/C, S); and

(C) retell, with adult assistance using pictures and a map, the story about Sam Houston that describes his leadership role in Texas independence from Mexico (H, Geo/C, S).

(13) Lone Star Heritage: Stories and Symbols. The student knows symbols of Texas pride. The student is expected to:

(A) identify the Texas flag as a symbol of Texas pride (H, G/Civ, S);

(B) recite the Texas Pledge of Allegiance, practicing good citizenship behavior, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S);

(C) explain that reciting the Texas Pledge of Allegiance shows pride and is an example of being a good citizen (G/Civ); and

(D) recognize the state song "Texas, Our Texas" when played aloud and practice good citizenship behaviors while listening, including standing and facing the flag, with hand over heart, as physically able (G/Civ, S).

(14) American Citizenship. The student understands the importance of community helpers. The student is expected to:

(A) identify police officers, firefighters, military members, veterans, and elected officials as community helpers (G/Civ, S);

(B) describe how police officers, firefighters, military members, veterans, and elected officials help people in the community (G/Civ, S);

(C) explain why community helpers are important to the community (G/Civ, S);

(D) identify ways people honor community helpers by saying thank you, celebrating holidays, including Memorial Day and Veterans Day, and showing respect for uniforms, symbols, and service (G/Civ, S); and

(E) retell, with adult assistance using pictures, the story of Oveta Culp Hobby, including her leadership role in helping women serve our country through the Woman's Army Auxiliary Corps (H, G/Civ, S).

(15) Innovations That Changed America and Texas. The student knows stories of innovation that changed America and Texas. The student is expected to:

(A) retell, with adult assistance using sequential terms, before, after, next, first, or last, the story of Benjamin Franklin that highlights contributions as an inventor, including the invention of the Franklin stove, and as a business owner (H, G/Civ, S); and

(B) retell, with adult assistance and using pictures, the story of Charles Goodnight, including his work as a Texas rancher and his invention of the chuck wagon, which helped feed cowboys working on the open range (H, Geo/C, S).

§113.2. Social Studies, Grade 1, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 1, students study Texas and American history through stories, symbols, and important events that highlight freedom, unity, work, and patriotism. Students explore how communities, governments, and economies function and how people in the past worked together to shape Texas and the United States. Using maps, songs, symbols, timelines, and storytelling, students develop foundational civic, geographic, historical, and economic understanding while building respect for shared traditions and democratic values.

(A) Students examine symbols, traditions, and civic ideals that represent freedom and unity in Texas and the United States. They study Texas symbols such as the Lone Star, the Texas flag, and state songs, as well as national symbols, including the American flag, Independence Hall, and the Liberty Bell. Students explore the meaning of liberty through the Declaration of Independence and learn how holidays such as Independence Day, Veterans Day, Memorial Day, Juneteenth, and Martin Luther King, Jr. Day honor freedom, service, and equality. Through these studies, students connect patriotic symbols and celebrations to shared civic values.

(B) Students investigate key historical events, people, and communities that shaped Texas and the nation. They learn about Thanksgiving stories in both Texas and early America, Pilgrim life and self-government, and cooperation between American Indians and settlers. Students study Texas settlement and independence through stories of the Comanche, missions, Stephen F. Austin, William B. Travis, and the Texas Declaration of Independence. They also explore the American Revolution, the Civil War, and the Civil Rights Movement by examining the roles of leaders such as Thomas Jefferson, Abraham Lincoln, Martin Luther King, Jr., and other individuals who worked to expand liberty, justice, and equality. Maps, timelines, and storytelling help students understand place, sequence, and historical change.

(C) The course emphasizes free enterprise and economic life by helping students understand how work, jobs, and resources support individuals and communities. Students learn about producers and consumers, goods and services, and how people earn a living as workers, business owners, and community members. They explore how natural resources, including oil contributed to Texas's growth and study innovators and leaders who supported economic

development. Throughout Grade 1, students strengthen map skills, historical thinking, and civic understanding, building a foundation for deeper study of Texas and United States history in later grades.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish, with adult assistance, between a primary source, such as a photograph, artifact, or document and a secondary source such as a textbook or storybook, and explain what the source can tell us about people or events in the past (H, Geo/C, S);

(B) identify the cause and effect in a historical event or story (H, G/Civ, S);

(C) use sequential terms, including first, next, then, and last, and before and after to place events on a timeline and describe one way life has changed over time (H, Geo/C, S);

(D) describe what a photograph, artifact, map, or image shows, and explain what it reveals about the people or place it represents (H, Geo/C, S);

(E) answer a question about the past by identifying information from a source and explaining in a complete sentence how that information supports the answer (H, G/Civ, Geo/C, S); and

(F) practice civil discourse by listening respectfully to the perspectives of others, taking turns during discussion, and expressing disagreement using respectful language, recognizing that democratic communities depend on people who can share ideas and work through differences (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appro-

priate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Thanksgiving. The student understands the story of Thanksgiving in El Paso as giving thanks to God. The student is expected to:

(A) locate on a map and describe, with adult assistance, North America, the state of Texas, El Paso, the Chihuahuan Desert, and the Rio Grande using cardinal directions north, south, east, and west (Geo/C, S); and

(B) retell, with adult assistance, the story of Don Juan de Oñate, including the celebration of Thanksgiving in 1598, which occurred 23 years before the Plymouth Thanksgiving, after safely crossing the desert (H, Geo/C, S).

(2) Thanksgiving. The student understands the story of Thanksgiving. The student is expected to:

(A) locate on a map, with adult assistance, Europe, England, the Atlantic Ocean, North America, and Massachusetts (Geo/C, S);

(B) identify that the Pilgrims crossed the Atlantic Ocean, from Europe to America, seeking freedom to worship God and advance the Christian faith (G/Civ, Geo/C, S);

(C) recognize Plymouth Rock as a symbol of the Pilgrims' landing (Geo/C, S);

(D) summarize using pictures, with adult assistance, the story of the Plymouth Thanksgiving, including that the Pilgrims gave thanks to God (H, Geo/C, S);

(E) explain that Thanksgiving became a tradition of gratitude, cooperation, and celebration in America and Texas (H, Geo/C, S); and

(F) explain how the Wampanoag Indians and Pilgrims worked together despite differences and the Wampanoag Indians helped the Pilgrims survive (H, Geo/C, S).

(3) Life in Early America and the Beginning of Self-Government. The student understands Pilgrim life in early America and the beginning of self-government. The student is expected to:

(A) describe the Mayflower Compact as an agreement between the Pilgrims to live and work according to their beliefs and religious faith (H, G/Civ, S);

(B) explain the ways Pilgrim families practiced self-government by making their own rules and electing their own leaders (H, G/Civ, S);

(C) explain the purpose of a meeting house as a place where people prayed, held church services, talked about community needs, voted on community matters, and chose leaders (H, G/Civ, S);

(D) use voting as a method for decision making and recognize that this method was also used by Pilgrims (G/Civ, S); and

(E) compare the ways people make decisions in home, school, and community today to how Pilgrims made decisions together (H, G/Civ, S).

(4) The American Declaration of Independence and Symbols of Freedom. The student understands how important events, people, and places from the American Revolution remind us that our nation was founded on liberty and unity. The student is expected to:

(A) locate on a map, with adult assistance, North America, Boston, Massachusetts, and Philadelphia, Pennsylvania (Geo/C, S);

(B) retell, with adult assistance, the story of the Boston Tea Party, including that colonists threw tea into the harbor to protest unfair taxes, using the sequential terms beginning, middle, and end (H, G/Civ, S);

(C) describe the role that Paul Revere played in alerting the colonists that the British army was coming (H, G/Civ, S);

(D) identify Thomas Jefferson as the writer of the Declaration of Independence, a document which sought freedom from being ruled by a king (H, G/Civ, S);

(E) describe the term liberty as used in the Declaration of Independence as freedom from being ruled by a king (H, G/Civ, S);

(F) recite the phrase "Life, Liberty, and the Pursuit of Happiness" as an important phrase in American history (H, G/Civ, S); and

(G) identify Boston and Philadelphia as the locations of the Boston Tea Party and the signing of the Declaration of Independence, respectively (H, G/Civ).

(5) The American Declaration of Independence and Symbols of Freedom. The student knows symbols of American freedom. The student is expected to:

(A) explain the meaning of the stars and stripes on the American flag (H, Geo/C, S);

(B) recognize "America the Beautiful" when played aloud (H, Geo/C, S);

(C) explain the historical development and influences of "America the Beautiful" by Katherine Lee Bates (H, Geo/C, S); and

(D) explain the historical significance of Independence Hall and the Liberty Bell in Philadelphia, Pennsylvania, including the signing and first public reading of the Declaration of Independence (H, G/Civ, Geo/C, S).

(6) The American Declaration of Independence and Symbols of Freedom. The student understands the importance of key national holidays in America. The student is expected to:

(A) identify July 4, 1776, as the date of American Independence and describe how people today celebrate July 4th (H, G/Civ, Geo/C, S); and

(B) identify Veterans Day and Memorial Day as holidays that honor members of the military who have served to defend American freedom (H, Geo/C, S).

(7) The Settlement of Texas and Texas Heroes. The student understands important characteristics of the Comanche. The student is expected to:

(A) describe the Comanche as a nomadic tribe (H, Geo/C, S);

(B) describe how the use of horses helped the nomadic Comanche to migrate and hunt bison (buffalo) (H, Geo/C, S);

(C) retell, using illustrations and writing, the story of the Legend of the Bluebonnet often associated with the Comanche (Geo/C, S); and

(D) identify the Bluebonnet as a symbol of Texas (H, Geo/C, S).

(8) The Settlement of Texas and Texas Heroes. The student understands stories about the settlement of Texas and Texas heroes. The student is expected to:

(A) define missions as communities where American Indians lived, worked, and learned Christianity (H, Geo/C, S);

(B) explain that American Indians and the Spanish lived together in missions, resulting in a blending of cultures (H, Geo/C, S); and

(C) retell the story of Antonio de Olivares and the mission that became the Alamo (H, Geo/C, S).

(9) The Settlement of Texas and Texas Heroes. The student understands stories about Texas Independence. The student is expected to:

(A) retell, with adult assistance, the story of Stephen F. Austin as the "Father of Texas," including how he helped people settle and build communities in Texas (H, Geo/C, S);

(B) retell, with adult assistance, the story of the Texas Declaration of Independence, including that Texans came together to declare why they wanted to be free from Mexico (H, Geo/C, S);

(C) retell, with adult assistance, the story of William B. Travis, including his role as a commander at the Alamo who showed courage and leadership during Texas's fight for independence (H, Geo/C, S); and

(D) explain that on March 2, 1836, Texas declared its independence from Mexico and that this date is now celebrated as Texas Independence Day (H, Geo/C, S).

(10) Lone Star Heritage: Stories and Symbols. The student knows symbols of Texas freedom. The student is expected to:

(A) identify the symbolism of the Texas flag: the Lone Star as a symbol of Texas freedom because it represents unity and the colors on the flag: blue represents loyalty, white represents purity, and red represents bravery (H, G/Civ, Geo/C, S); and

(B) identify the song "Deep in the Heart of Texas" when played aloud which describes the geography of Texas (H, Geo/C, S).

(11) Abraham Lincoln and the Civil War. The student understands the role of Abraham Lincoln in the Civil War. The student is expected to:

(A) recognize slavery as taking away people's freedom and forcing them to work without pay and in unfair and harmful conditions (H, S);

(B) identify that Africans were enslaved in the United States because of the color of their skin (H);

(C) describe how the country was divided over different views of slavery which led to the Civil War (H, S);

(D) retell, with adult assistance, stories of Abraham Lincoln using a timeline, including details about his childhood, his election as president, and his speech, the Gettysburg Address (H, S);

(E) identify Abraham Lincoln as the president who worked to end slavery and protect liberty for all people in America (H, G/Civ, S);

(F) locate Washington, D.C., on a map and identify the Lincoln Memorial in a picture (Geo/C, S); and

(G) explain that the Lincoln Memorial in Washington, D.C., is a landmark that honors Abraham Lincoln and has inspired many important speeches, including "I Have a Dream" by Martin Luther King, Jr. (H, G/Civ, Geo/C, S).

(12) Abraham Lincoln and the Civil War. The student understands the importance of Juneteenth. The student is expected to:

(A) identify Dr. Opal Lee as the Honorary Grandmother of Juneteenth for her contributions of advocating for Juneteenth to become a national holiday (H, Geo/C, S); and

(B) identify Juneteenth as a national holiday occurring on June 19th that celebrates when enslaved people in Texas learned they were free (H, Geo/C, S).

(13) Free Enterprise Shapes Texas. The student understands how free enterprise shaped Texas in the past. The student is expected to:

(A) identify oil and natural gas as valuable natural resources that are found deep in the ground or under the seabed (Geo/C, E, S);

(B) explain that the discovery of oil in Texas led to new towns, transportation, products, and support of education (H, E, S);

(C) describe Patillo Higgins and Anthony Lucas as wildcatters who found oil at Spindletop Hill in Beaumont in 1901, starting the Texas oil boom (H, E, S);

(D) describe Henry O. Flipper as an engineer and surveyor who worked in Texas to help with land and oil projects, showing courage and skill (H, E, S); and

(E) describe William P. Hobby as a Texas leader and governor who supported business and helped Texas grow during the early oil years (H, E, S).

(14) Free Enterprise Shapes Texas. The student understands how free enterprise shapes Texas today. The student is expected to:

(A) identify farmers as producers who grow crops and ranchers as producers who raise livestock (G/Civ, E);

(B) identify that people in the community are considered consumers when they buy food from the grocery store (G/Civ, E);

(C) explain how people in the community trade goods and services (G/Civ, E);

(D) explain why people have jobs (G/Civ, E, S);

(E) describe how working helps individuals and the community (G/Civ, E, S);

(F) identify jobs in the local community (G/Civ, Geo/C, S);

(G) describe ways people work by producing goods or providing services (G/Civ, E, S); and

(H) describe ways people work as business owners or employees (G/Civ, E, S).

(15) The Civil Rights Movement. The student understands the importance of the civil rights movement in American history. The student is expected to:

(A) identify racial segregation as keeping people apart based on the color of their skin (G/Civ, Geo/C);

(B) retell, with adult assistance, stories of Martin Luther King, Jr. using sequential terms, including his life as a pastor and civil rights leader, explaining that he worked peacefully for liberty and equality for all Americans (H, G/Civ, S);

(C) identify "I Have a Dream" as a speech by Martin Luther King, Jr. that expressed his dream for people to be treated fairly, "judged by the content of their character and not by the color of their skin" (H, G/Civ, S);

(D) identify Martin Luther King, Jr. Day as a holiday that honors the life and work of Martin Luther King, Jr. (H, G/Civ, S);

(E) identify the Martin Luther King, Jr. Memorial in Washington, D.C., in pictures (H, Geo/C, S); and

(F) explain that the Martin Luther King, Jr. Memorial in Washington, D.C., is a place that honors Martin Luther King, Jr. and his work for equality (H, Geo/C, S).

(16) The Civil Rights Movement. The student understands stories of equality and justice. The student is expected to:

(A) describe Claudette Colvin and Rosa Parks as women who refused to give up their seats on a segregated bus to protest unfair laws (H, G/Civ, S);

(B) describe Dr. Hector P. Garcia as a leader in Texas who worked peacefully for equal rights for Hispanic Americans and veterans in Texas (H, G/Civ, S); and

(C) describe Ruby Bridges as a young African American student who bravely walked into an all-white school so that black and white children could learn together (H, G/Civ, S).

§113.3. Social Studies, Grade 2, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 2, students learn about people, places, and events that helped shape America and Texas by exploring stories from long ago through maps, timelines, and historical examples. Students study how early civilizations lived, how communities made rules, and how people worked together to seek freedom, safety, and opportunity. Through age appropriate stories and symbols, students build an understanding of geography, citizenship, and history while making connections between the past and their lives today.

(A) Students begin by learning about the world and early civilizations to understand that people have lived in many places for a long time. They identify the continents and oceans and explore how early groups met their needs by farming, trading, building communities, and creating rules. Students learn about ancient peoples such as the Clovis, Hebrews, Greeks, Romans, and African civilizations, focusing on how their ideas, tools, and laws helped shape later societies. These early examples introduce students to important ideas such as leadership, fairness, and cooperation.

(B) Students explore the fight for freedom and the growth of American democracy through stories of the American Revolution and the early nation. They learn why colonists wanted independence, what liberty means, and how people worked together to create a new country. Students study important individuals from the Revolutionary era and learn how the Constitution and Bill of Rights protect freedoms and require everyone to follow the same laws. They also learn about the War of 1812 and how shared symbols and stories helped strengthen American identity.

(C) The course emphasizes Texas history and growth by examining how people settled the land, built communities, and worked toward independence. Students learn about Spanish missions, the Texas Revolution, and the leaders and groups who helped Texas become independent. They explore why people came to Texas seeking opportunity and how different groups contributed to farming, ranching, trade, and community life. The year concludes with a study of the Civil War and the struggle for freedom and equality, helping students understand how the past continues to shape Texas and the United States today.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish between primary and secondary sources, identify the author or creator and purpose of a source, and explain how the type of source affects what it can tell us about people or events in the past (H, Geo/C, S);

(B) identify causes and effects of a historical event or story (H, G/Civ, Geo/C, E, S);

(C) construct and interpret a timeline to place events in chronological order, identify whether events are close together or far apart in time, and describe how a person, place, or community changed over time (H, Geo/C, S);

(D) analyze a photograph, artifact, map, or other visual source as historical evidence by describing what it shows and explaining what it reveals about the people or events it represents (H, S);

(E) answer a question about the past in writing by stating what they think happened, and identifying at least one detail from a source that supports their answer (H, G/Civ, Geo/C, E, S); and

(F) practice civil discourse by listening respectfully to the perspectives of others, asking clarifying questions, and expressing disagreement through reasoned response rather than personal attack, recognizing that democratic self-government depends on citizens who can discuss differences productively (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Ancient Civilizations: People and Places that Influenced America and Texas. The student knows the continents and oceans of the world. The student is expected to:

(A) identify on a map and describe the relative locations of the seven continents and five oceans (Geo/C, S); and

(B) explain that people have lived in many parts of the world for a long time (H, Geo/C, S).

(2) Ancient Civilizations: People and Places That Influenced America and Texas. The student understands stories about early civilizations and their characteristics. The student is expected to:

(A) describe characteristics of early civilizations, including establishing leadership, developing rules for society, creating innovations in agriculture and tools, and implementing economic systems to meet the needs of their communities (H, G/Civ, Geo/C, E, S);

(B) identify the Clovis in North America as one of the first known civilizations, and archeological evidence that shows the Clovis people lived in areas that are now part of Texas (H, G/Civ, Geo/C, E, S);

(C) identify the Hebrews in the Middle East as people who had written laws that taught moral responsibility (H, G/Civ, Geo/C, E, S);

(D) identify people who changed the land in the Americas by farming and using water, including the Olmec who dug canals, the Ancestral Pueblo who built irrigation systems, and the Mississippians who farmed near the Mississippi River (H, G/Civ, Geo/C, E, S);

(E) identify the Greek and Roman civilizations in Europe as people who developed ideas, including democracy, the republic, elected leaders, responsibilities of citizenship, and written laws that influenced America and Texas government (H, G/Civ, Geo/C, E, S);

(F) identify the Greek and Roman civilizations as people who developed innovations, including aqueducts (H, G/Civ, Geo/C, E, S); and

(G) identify the continent of Africa on a map, locate ancient African kingdoms, including Mali, Kush, and other Nile River Valley civilizations, and understand contributions to trade, art, and agriculture and the tradition of oral history (H, G/Civ, Geo/C, E, S).

(3) American Heroes in the American Revolutionary War. The student knows the locations of the original thirteen colonies. The student is expected to:

(A) define colony as a new place where people move to live that is ruled by another country (H, Geo/C, S); and

(B) locate the original thirteen American colonies on a map, using cardinal directions to describe relative locations (H, Geo/C, S).

(4) American Heroes in the American Revolutionary War. The student understands the reasons for the American Revolutionary War. The student is expected to:

(A) define the American Revolutionary War as the war in which Americans fought the British for independence (H, G/Civ, Geo/C, S);

(B) locate America, the Atlantic Ocean, and Great Britain on a map (Geo/C, S); and

(C) explain the reasons for the American Revolutionary War, including taxation without representation and a desire for liberty (H, E, S).

(5) American Heroes in the American Revolutionary War. The student understands stories about the American Revolutionary War. The student is expected to:

(A) explain the importance of Patrick Henry's famous statement, "Give me liberty, or give me death!" (H, G/Civ, Geo/C, S);

(B) explain that the Oneida and Tuscarora people were part of the Iroquois Confederacy who helped Americans by scouting, carrying messages, and sharing food during the American Revolutionary War (H, G/Civ, Geo/C, S);

(C) explain that Martha Washington helped injured American soldiers in the American Revolutionary War (H, G/Civ, Geo/C, S);

(D) identify George Washington as the leader and General of the American Army (H, G/Civ, S);

(E) explain that Marquis de Lafayette was a French ally who helped George Washington and the Americans fight for freedom during the American Revolutionary War (H, G/Civ, Geo/C, S);

(F) explain that the Continental Army led by General George Washington, with the assistance of the French allies and James Armistead, won the Battle of Yorktown (H, G/Civ, Geo/C, S); and

(G) explain that the Black Robe Regiment were pastors who preached about freedom, inspired America's independence, and served in the Continental Army (H, G/Civ, Geo/C).

(6) The Rule of Law. The student understands the concept of rule of law and its connection to the United States Constitution. The student is expected to:

(A) explain how people choose leaders at the national, state, and local levels through voting (G/Civ);

(B) explain that rule of law means everyone must follow the same rules to keep society fair and safe (G/Civ);

(C) identify the Constitution as the highest law in the United States (G/Civ);

(D) define amendment as a change in a written document (S);

(E) explain that the Bill of Rights are amendments to the Constitution that protect liberties and freedoms, including speech and religion (H, G/Civ, S); and

(F) describe the story of the Constitutional Convention using pictures and explain how these sources help people learn about the past (S).

(7) The War of 1812. The student understands stories about key people and symbols associated with the War of 1812. The student is expected to:

(A) explain that the War of 1812, also known as the Second War for Independence, was fought between America and Great Britain, which strengthened American identity (H, G/Civ, Geo/C, S);

(B) retell the story of Francis Scott Key who wrote the "Star-Spangled Banner" which became the national anthem in 1931 (H, G/Civ, Geo/C, S);

(C) recite from memory Verse 1 of the "Star-Spangled Banner" (H, G/Civ, Geo/C); and

(D) retell the story of First Lady Dolley Madison who saved George Washington's portrait when the British burned the White House (H, G/Civ, Geo/C, S).

(8) People and Events that Made Texas. The student understands stories about people and events of the Texas Revolution. The student is expected to:

(A) explain that religious communities known as Spanish missions in Texas were built near rivers for farming and ranching (H, Geo/C, G/Civ, S);

(B) describe how people in the mission grew crops, raised animals, traded goods, and shared religion (H, G/Civ, Geo/C, S);

(C) explain how Spanish and American Indian culture blended bringing new foods, animals, and religions to Texas (H, G/Civ, Geo/C, S);

(D) explain that the Texas Declaration of Independence was modeled after the American Declaration of Independence and was signed on March 2, 1836, at Washington-on-the-Brazos (H, G/Civ);

(E) explain that the Texas Declaration of Independence was a document that declared Texas' independence from Mexico allowing the formation of the Republic of Texas (H, G/Civ, S);

(F) identify the Alamo as a place where Texans, including James Bowie and David Crockett, fought bravely against Mexican forces and explain why the Alamo is remembered as a symbol of courage and sacrifice in Texas (H, G/Civ, Geo/C);

(G) explain that the Battle of Goliad was a pivotal battle that served as a rallying cry for Texian soldiers (H, G/Civ, Geo/C);

(H) explain that the phrase "Remember Goliad!" motivated Texian resolve for the final battle at San Jacinto (H, G/Civ, Geo/C, S);

(I) explain that the Battle of San Jacinto in the Texas Revolution was the final victory that gave Texas its independence from Mexico (H, G/Civ, Geo/C, S);

(J) explain the role of Sam Houston as a commander of the Texian Army who won the Battle of San Jacinto (H, G/Civ, Geo/C, S);

(K) explain the role of Juan Seguin as a Tejano officer who helped the Texian Army fight for independence (H, G/Civ, Geo/C, S);

(L) identify American Indian tribes, including the Tonkawa and Cherokee in Texas, as allies who helped the Texian Army as scouts (H, G/Civ, Geo/C, S);

(M) explain that the government of the Texas Republic was modeled after the government of the United States (H, G/Civ, Geo/C, S); and

(N) sequence, with adult assistance, major events of the Texas Revolution using a timeline, including the Battle of Gonzales, the signing of the Texas Declaration of Independence, the Battle of the Alamo, the Battle of Goliad, and the Battle of San Jacinto (H, G/Civ, Geo/C, S).

(9) Texas as a Land of Opportunity. The student understands that people came to Texas seeking freedom, safety, and opportunity for a better life. The student is expected to:

(A) explain how Tejano ranching and farming helped shape the community culture during the Spanish and Mexican Texas era (H, Geo/C, E, S);

(B) retell the story of Tejano Rancher Martin de Leon who established one of the earliest communities in what would become Victoria, Texas (H, Geo/C, E, S);

(C) retell the story of how German and Czech immigrants established farming communities that contributed to local economies and regional development in what would become known as the Hill Country of Texas (H, Geo/C, E, S);

(D) retell the story of how Irish immigrants in the mid-1800s contributed to agriculture and rural communities as Texas continued to grow (H, Geo/C, E, S);

(E) retell the story of Charles Schreiner who expanded ranching, business, and community leadership during westward growth in the late 1800s Texas frontier (H, Geo/C, E, S);

(F) retell the story of Richard and Henrietta King who established large scale ranching on the King Ranch and contributed to economic development in what would become South Texas (H, Geo/C, E, S); and

(G) explain that Chinese immigrants helped Texas grow by building railroads for transportation of people and goods (H, Geo/C, E, S).

(10) Texas as a Land of Opportunity. The student practices good citizenship by volunteering, voting, and celebrating patriotic holidays. The student is expected to use voting as a method for decision making and recognize that voting is a right, responsibility, and privilege of American citizenship (H, G/Civ).

(11) People of the Civil War. The student understands the causes, people, and events of the Civil War. The student is expected to:

(A) identify a civil war as a war between citizens of the same country (H, G/Civ, Geo/C, S);

(B) identify the Union as states who remained in the United States (H, G/Civ, Geo/C, S);

(C) identify the Confederacy as southern states that left the United States because they wanted states to make their own rules, including to keep slavery (H, G/Civ, Geo/C, E, S);

(D) identify, with adult assistance, the Union states and the Confederate states on a map (H, G/Civ, Geo/C, S);

(E) explain that slavery took away people's freedom and slaves were treated as property instead of human beings (H, G/Civ, E, S);

(F) explain that the Civil War was fought because of disagreements over the right to have slaves (H, G/Civ, E, S);

(G) explain that Abraham Lincoln was the president who worked to preserve the Union and to end slavery (H, G/Civ, S);

(H) identify Frederick Douglass as an African American leader who fought for liberty and equality during the time of slavery (H, G/Civ, S);

(I) explain that the Underground Railroad was a secret network of people, homes, and hiding places that helped enslaved people escape to freedom (H, Geo/C, S);

(J) locate, with adult assistance, Underground Railroad routes that led north to Canada and south from Texas to Mexico on a map (H, Geo/C, S);

(K) retell the story of Harriet Tubman as a leader who helped enslaved people find freedom using the Underground Railroad (H, G/Civ, S);

(L) identify Ulysses S. Grant as a Union general who led the northern states to win the Civil War (H, G/Civ, S);

(M) identify Robert Smalls as an African American who helped the Union during the Civil War by taking action to gain freedom and support the United States (H, G/Civ, S);

(N) identify Robert E. Lee as a Confederate general who led the confederate states and surrendered to General Grant in Virginia (H, G/Civ, S); and

(O) identify Jefferson Davis as the president of the Confederate States and recognize that he led the Southern states during the Civil War (H, G/Civ, S).

§113.4. Social Studies, Grade 3, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 3, students study the development of early civilizations and their lasting influence on Western civilization, the United States, and Texas. Students examine how geography, natural resources, and human innovation shaped the ways people lived, worked, governed, and interacted over time. Through the study of ancient river valley civilizations, early American and Texas cultures, and the civilizations of Israel, Greece, and Rome, students develop an understanding of how ideas, beliefs, and systems from the past continue to affect life in America and Texas today.

(A) Students analyze the movement of people and the development of societies from hunting and gathering to farming and trade. They explore how access to land and water influenced settlement patterns, how scarcity led to trade, and how cultural and technological contributions such as writing systems, architecture, calendars, laws, and forms of government supported growing civilizations. Students compare different systems of leadership and government, including unlimited and limited forms of power, and examine early ideas of citizenship, democracy, and the rule of law.

(B) Students also study the histories and cultures of early peoples in Texas, including how geography influenced where communities formed, how natural resources were used to meet basic needs, and how trade and leadership systems supported cooperation

and survival. The course emphasizes the use of maps, artifacts, and primary sources to understand the past and make connections across time and place.

(C) Throughout Grade 3, students connect ancient civilizations to modern America and Texas by identifying shared ideas, values, and structures. These connections help students understand the foundations of laws, government, cultural traditions, and civic responsibilities in their own communities and prepare them for future studies in history, geography, economics, and civics.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, and explaining what the source reveals about the people or civilization being studied (H, Geo/C, S);

(B) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(C) construct and interpret timelines to sequence events and identify how civilizations changed over time (H, Geo/C, S);

(D) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows and explaining what it reveals about the people who created it (H, Geo/C, S);

(E) answer a question about the past using information from a source and explain how the source supports the answer (H, G/Civ, Geo/C, E, S); and

(F) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) River Valley Civilizations and Connections to America and Texas. The student understands the River Valley civilizations and their connections to America and Texas. The student is expected to:

(A) identify and label the seven continents, five oceans, the Mediterranean Sea, the Fertile Crescent, Mesopotamia, Egypt, the Nile River, and the Tigris and Euphrates Rivers on a map (Geo/C, S);

(B) describe hunter-gatherer societies as early people who lived in small groups that obtained food by hunting animals and gathering plants (H, Geo/C);

(C) explain that hunter-gatherer societies moved from place to place to follow food sources and used natural resources for shelter, clothing, and tools (H, Geo/C);

(D) explain how the location of the Fertile Crescent shaped settlement patterns and describe how rivers supported irrigation and farming (H, Geo/C);

(E) identify that the Phoenician alphabet was an early form of written communication that was adapted by numerous civilizations, including the Greeks, which resulted in expanded trade opportunities (H, E);

(F) explain how ancient Egyptian people used papyrus and hieroglyphic writing to write information and how the Rosetta Stone helped historians translate ancient languages (H, Geo/C);

(G) compare ancient Egyptians pyramids and obelisks built to honor rulers with similar building designs in the Washington and San Jacinto monuments that honor important leaders or events (H, Geo/C); and

(H) compare the difference between systems of government, including the ancient Egyptian pharaohs who held unlimited political and religious power and the limited government of the United States in which power comes from the people (H, G/Civ).

(2) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands Mesoamerican and other American civilizations and their connections to America and Texas. The student is expected to:

(A) identify and explain how the land bridge of Beringia shaped migration patterns along coastal routes through the ice-free corridor into what would become the United States (H, Geo/C);

(B) describe the transition from hunting and gathering to gardening and farming in early civilizations (H, Geo/C);

(C) explain how producing food led to a more stable food supply and fewer issues with scarcity (H, Geo/C, E);

(D) explain how plains, river valleys, and water sources influenced the movement of the Clovis culture across North America and areas that are now part of Texas (H, Geo/C);

(E) describe how access to animals, plants, and stone resources supported hunting and tool-making in the Clovis culture (H, Geo/C);

(F) locate on a map the Poverty Point civilization and describe the civilization as an early culture of people that traveled along the Ohio and Mississippi rivers (H, Geo/C, E, S);

(G) explain how artifacts, including copper and seashells, found far from Louisiana show that Poverty Point people traded over long distances to obtain scarce and valuable goods (H, Geo/C, E);

(H) locate on a map Mesoamerica (Geo/C, S);

(I) identify the Olmec culture as an early civilization in the Americas known for farming, trade, and carved stone heads (H, Geo/C, E); and

(J) identify Mayan civilization contributions, including the building of temples for religion and community life, the development of writing to record history, the study of astronomy to create calendars, and the use of the mathematical concept of zero to help with counting (H, Geo/C).

(3) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands the traits and contributions of civilizations and cultures that began more than 20,000 years ago in Texas. The student is expected to:

(A) locate and label on a map the eight major geographic regions of Texas, including East Texas, Blackland Prairie, Coastal Plains, South Texas, West Texas, Panhandle, Hill Country, and Trans-Pecos (H, Geo/C, S);

(B) locate on a map the Gault Site in Williamson County and explain that the site contains artifacts of some of the earliest Texans (H, Geo/C, S);

(C) explain that artifacts found at the Gault site include flint spear points used for hunting large animals (H, Geo/C); and

(D) locate on a map the White Shaman rock art site in the lower Pecos River valley and explain that the site contains rock art created by early civilizations in Texas (H, Geo/C).

(4) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands that geography shaped the development of early civilizations in what would become Texas. The student is expected to:

(A) identify early civilizations, including Caddo, Karankawa, Coahuiltecans, and Ancestral Pueblo, in what would become Texas (H, Geo/C);

(B) explain how geographical features, including rivers, plains, deserts, and coasts, influenced where people chose to settle in the past (H, Geo/C);

(C) explain how early civilizations farmed corn, beans, and squash in fertile river valleys; hunted bison (buffalo) and deer on the plains; used coastal resources, including fish and alligators for food; and gathered plants, including cactus roots (H, Geo/C);

(D) explain how early civilizations used natural resources to make homes, including grass houses in river valleys, tipis on the plains, and adobe dwellings in deserts (H, Geo/C);

(E) describe the practice of slavery through captive-taking among some early American civilizations in Texas and explain that captives taken during conflict were forced to work or live in harmful conditions under the control of others (H, Geo/C);

(F) identify how people used trade to solve the problems of resource scarcity (H, Geo/C, E);

(G) compare systems of leadership or political organization between Caddo chiefs, Karankawa family leaders, Coahuiltecan bands, and Ancestral Pueblo councils (H, G/Civ, Geo/C); and

(H) identify that the name Texas is believed to have come from the Caddo word Tejas, meaning "friend" or "ally" (H, Geo/C).

(5) Ancient Israel and Connections to America and Texas. The student understands important ancient Israelite historical events and contributions to Western civilization, America, and Texas. The student is expected to:

(A) locate on a map the region of the ancient kingdom of Israel, including ancient Judea, the Jordan River, and Jerusalem (H, Geo/C, S);

(B) explain important stories from ancient Hebrew tradition found in the Old Testament of the Bible, including the Exodus from Egypt, the Promised Land, and the Ten Commandments (H, Geo/C);

(C) describe how Hebrew teachings, including the Ten Commandments, provided foundational ideas about right and wrong that influenced American laws (H, Geo/C);

(D) explain how the Hebrew idea of being a chosen people with a promised land influenced Puritans and others who moved to North America (H, Geo/C);

(E) identify Abraham as an ancient Hebrew leader whose story is important to Abrahamic religions (H, Geo/C);

(F) describe Moses' contributions as a law-giver through the Ten Commandments (H, G/Civ, Geo/C); and

(G) describe Moses as a Biblical figure who led the Israelites out of Egyptian slavery and later served as inspiration for African Americans held in slavery in America and Texas, and as inspiration for Colonists during the American Revolution (H, Geo/C).

(6) Ancient Greece and Connections to America and Texas. The student understands important ancient Greek historical events and contributions to Western Civilization, America, and Texas. The student is expected to:

(A) locate on a map Greece and Greek city-states Athens and Sparta (Geo/C, S);

(B) describe how the Parthenon is an example of ancient Greek architecture that influenced the design of the Lincoln Memorial and compare how both structures were built to honor important figures or events (H, Geo/C);

(C) explain how the ancient Greek Olympic Games influenced modern sports competitions in which Americans and Texans participate today (H, Geo/C);

(D) identify the influence of the Greek alphabet on the English alphabet (H, Geo/C);

(E) explain why ancient Greek pottery is a primary source and compare it to a secondary source that explains Greek daily life (H, Geo/C, S);

(F) describe ancient Greek polytheistic religious beliefs and how Greek myths were used to explain the world and daily life (H, Geo/C);

(G) explain the Battle of Thermopylae as an ancient Greek event and compare the battle to the Alamo in Texas history that showed courage and sacrifice while being outnumbered and fighting to the last man (H, Geo/C);

(H) compare the Library of Alexandria, named for Alexander the Great, as an early center of learning for scholars and elites to libraries that help people learn and share knowledge in America and Texas today (H, Geo/C);

(I) explain how citizens in ancient Greece used voting to make decisions together using early ideas of democracy and describe how these ideas influenced self-government in America and Texas (H, G/Civ, Geo/C);

(J) use voting as a method for group decision making and identify that voting is an essential principle in the democratic process (G/Civ);

(K) describe Greek ideas about citizenship, liberty, and responsibilities and explain how these ideas influence rights, including voting, and duties of citizens in America and Texas today (H, G/Civ, Geo/C); and

(L) explain Greek ideas about the rule of law, including separation of powers, following rules, and serving on juries, and compare these ideas to laws and government in America and Texas today (H, G/Civ, Geo/C).

(7) Ancient Rome and Connections to America and Texas. The student understands important Roman Republic historical events and contributions to Western civilization, America, and Texas. The student is expected to:

(A) locate on a map what constituted the Roman Empire (H, Geo/C, S);

(B) compare the myth of the founding of Rome by Romulus with the story of the founding of the Roman Republic by Brutus and explain what these stories teach about leadership and government (H, G/Civ, Geo/C);

(C) explain how ideas from Ancient Rome, including written laws and representative government, influenced the United States Constitution (H, G/Civ);

(D) explain that George Washington was called the "American Cincinnatus" because of his commitment to civic duty and his willingness to relinquish power and return to the farm and that Sam Houston compared himself to the ancient Roman leader Gaius Marius who was honored for his military leadership (H, G/Civ, Geo/C);

(E) explain how Julius Caesar and Augustus changed the Roman Republic into an empire and identify lasting Roman influences on America and Texas, including the naming of the months of July and August (H, G/Civ, Geo/C);

(F) identify Roman architectural features of columns and domes that appear in government buildings, including the U.S. Capitol, the Jefferson Memorial, and the Texas State Capitol (H, Geo/C);

(G) explain the Latin phrase E Pluribus Unum that is used on U.S. currency, coins, the presidential seal, and government buildings (H, Geo/C);

(H) identify the Roman contribution of republicanism as the form of government used in America and Texas (H, G/Civ, Geo/C); and

(I) explain that the Western Roman Empire weakened because emperors were spending more money than they had, caus-

ing instability, and describe why this was an important lesson for the founders of America (H, G/Civ, Geo/C, E).

(8) Ancient Rome and Connections to America and Texas. The student understands that important tenets of Christianity during the time of the Roman empire influenced Western Civilization, America, and Texas. The student is expected to:

(A) identify Jesus of Nazareth as the central figure in Christianity and describe how His teaching of the Golden Rule to treat others the way you want to be treated has become a well-known phrase in American culture (H, Geo/C);

(B) identify that Christianity began among Jewish communities living under Roman rule and that the Christians faced persecution and were enslaved for not worshipping the emperor (H, Geo/C);

(C) describe how Christian beliefs, including valuing every individual, doing what is right, and showing compassion for others, helped shape American ideas about equality, rights, and treating people with dignity (H, G/Civ, Geo/C);

(D) identify that the Roman Road system was a literal pathway for the spread of Christianity as a religion (H, Geo/C);

(E) explain that the spread of Christianity under Emperor Constantine led to its acceptance as the religion of the Roman Empire (H, G/Civ, Geo/C); and

(F) identify that the Jewish diaspora occurred when the Romans forced many Jewish people to leave their homeland and settle in other parts of the world (H, Geo/C).

§113.5. Social Studies, Grade 4, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 4, students study the Middle Ages and the early modern period to understand how civilizations in Africa, Asia, Europe, and the Americas developed and how their ideas, systems, and innovations shaped Western civilization, the United States, and Texas. Students examine the role of geography, trade, belief systems, and leadership in the growth of societies and analyze how interactions among regions led to the exchange of goods, knowledge, and cultural traditions.

(A) Students explore major civilizations and historical developments in Asia, Europe, and the Americas, including the rise of powerful kingdoms and empires, the spread of religion, and the development of political, economic, and legal systems. They study how trade routes connected distant regions, how technological and agricultural innovations supported population growth, and how ideas such as the rule of law, individual rights, and limits on government power emerged over time. Students also examine how these ideas influenced the foundations of American and Texas government, law, and culture.

(B) Students investigate the histories and cultures of peoples in the Americas and Texas during the Middle Ages, with an emphasis on how geography influenced settlement patterns, resource use, trade, and social organization. They analyze how civilizations adapted to diverse environments, developed complex societies, and participated in regional and long-distance trade networks. Students use maps and primary sources to understand historical perspectives and changes over time.

(C) The course concludes with a study of the Renaissance and the Age of Exploration, focusing on how renewed interest in classical ideas, scientific innovation, and economic motivations led to global exploration and lasting change. Throughout Grade 4, students make connections between medieval and early modern history and life in the United States and Texas today, building a foundation for understanding historical continuity, civic values, and global interdependence.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, and explain how these factors affect how the source should be used as evidence (H, G/Civ, Geo/C, S);

(B) explain how the historical context in which an event occurred or a source was created shapes its meaning, including considering what people at the time knew, believed, and experienced (H, S);

(C) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(D) compare two or more accounts of the same event or topic to identify points of agreement and disagreement and explain why accounts may differ based on the author's perspective, background, or purpose (H, G/Civ, S);

(E) construct and interpret timelines to sequence events across multiple time periods and identify patterns of continuity and change over time (H, Geo/C, S);

(F) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows, explaining what it reveals about the past, and identifying what questions it leaves unanswered (H, Geo/C, S);

(G) construct a written response to a historical question by stating a clear claim, supporting it with evidence from sources, and explaining the reasoning that connects the evidence to the claim (H, G/Civ, Geo/C, E, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Middle Ages in Europe and Connections to America and Texas. The student understands important historical events and contributions to Western civilization in the Early Middle Ages. The student is expected to:

(A) locate on a map the Alps and Pyrenees mountains, Israel, the North Sea, Germany, Spain, Portugal, and the United Kingdom (H, Geo/C, S);

(B) identify the Catholic Church and the Pope as important institutions in Europe during the Middle Ages (H, Geo/C);

(C) explain that the purpose of the Crusades was to reclaim Christian control of the Holy Land and Jerusalem after previous Muslim conquests (H, Geo/C, E);

(D) identify monasteries as centers of learning and knowledge preservation during the Middle Ages that served local communities (H, Geo/C); and

(E) explain how monks preserved important Greek and Roman texts and the Bible during the Middle Ages by copying them by hand and how this knowledge later influenced the ideas of the American founders (H, Geo/C).

(2) The Middle Ages in Africa and Asia and Connections to America and Texas. The student understands important historical events and contributions from Africa and Asia in the Middle Ages. The student is expected to:

(A) locate on a map Ghana, Mali, China, the Indian Ocean, and the Middle East (Geo/C);

(B) locate on a map the routes of Sub-Saharan trade (Geo/C); and

(C) identify how Mansa Musa's wealth from gold, salt, and the slave trade later inspired worldwide exploration and trade in the Western Hemisphere (H, Geo/C).

(3) The Middle Ages in Europe and Connections to America and Texas. The student understands important historical events and contributions from Medieval Europe. The student is expected to:

(A) identify Charlemagne as the Holy Roman Emperor in medieval Europe who helped unite much of Western Europe (H, G/Civ, Geo/C);

(B) identify the Norse people and explain their influence on Europe through Viking exploration and raids (H, G/Civ, Geo/C);

(C) describe how Norse culture influenced the English language, including names of the days of the week still used in America and Texas (H, Geo/C);

(D) identify Leif Erikson as a Norse explorer who explored North America before Christopher Columbus (H, Geo/C);

(E) explain feudalism, including the roles of castles and knights, as a system of land ownership and protection in medieval Europe (H, G/Civ, Geo/C);

(F) describe chivalry as a code of honor for knights that emphasized courage, loyalty, and helping others (H, Geo/C);

(G) identify English common law as a system in which judges reference precedents to help make fair and consistent rulings in medieval England (H, G/Civ, Geo/C);

(H) explain how English common law influenced American and Texas law by establishing the consistency of law; the rule of law; the idea that laws apply to everyone; and protections for individual rights (H, G/Civ, Geo/C);

(I) use voting as a method for group decision making and explain that voting is an individual right, responsibility, and privilege in America and Texas today (G/Civ);

(J) explain that the Magna Carta, created in 1215 in England, drafted by the Archbishop of Canterbury, was the first document that limited the power of the king and protected individual rights, based on Christian beliefs (H, G/Civ, Geo/C);

(K) explain how ideas from the Magna Carta influenced limits on government power and protection of rights as a central component of the United States Constitution (H, G/Civ, Geo/C); and

(L) identify the watermill, windmill, iron plough, and crop rotation as important medieval innovations and explain how these innovations were later used in America and Texas (H, Geo/C).

(4) People in the Americas and Texas. The student understands how civilizations and trade grew and changed in the Americas in the Middle Ages. The student is expected to:

(A) locate on a map the Americas, Andes Mountains, Appalachian Mountains, Rocky Mountains, Great Lakes, Amazon River, Texcoco Lake, Mississippi River, Rio Grande, Mexico, Texas, the Yucatan Peninsula, and the Caribbean Sea (H, Geo/C, S);

(B) explain that physical geography, including rivers, plains, coastlines, and mountains, impacted locations of communities and trade in the Americas and Texas (H, Geo/C, E);

(C) describe the Cahokia and their urban centers, mound-building practices, and extensive trade networks across the eastern United States as a significant part of Mississippian culture, growth, and change (H, Geo/C, E);

(D) describe the significant contributions of the Mayan civilization, emphasizing the pyramids at Chichén Itzá as the focal point of the political structure, and innovations, including the Mayan calendar system (H, G/Civ, Geo/C);

(E) describe the growth and change of the Inca Empire, including Machu Picchu as an architectural achievement, the mit'a system of labor for building projects and farming, terrace farming as an agricultural innovation, and road networks for communication and regional trade (H, G/Civ, Geo/C, E);

(F) describe the significance of Tenochtitlán as a key location of the Aztec Empire and describe the practices of urban planning, chinampas which were floating gardens supporting agriculture, and military conquest and enslavement in maintaining imperial control (H, G/Civ, Geo/C);

(G) identify examples of primary sources, including glyph writing and quipus which was a knotted string for record keeping, in the Americas (H, Geo/C, S); and

(H) explain the influence of Mesoamerican cultural heritage on Texas culture, including corn tortillas and tamales, musical traditions, including cumbia, and community traditions centered on family and faith, including quinceañeras (H, Geo/C).

(5) People in the Americas and Texas. The student understands civilizations in Texas in the centuries prior to European exploration and settlement. The student is expected to:

(A) locate on a map the regions in Texas where the Caddo lived (H, Geo/C, S);

(B) identify Caddo origins in the Mississippian cultural tradition, including the development of permanent villages in the Piney Woods region of East Texas and parts of present-day Oklahoma, Arkansas, and Louisiana (H, Geo/C);

(C) describe key characteristics of Caddo settlements, including the construction of the mound complex at the Caddo Mounds State Historic Site in Alto, Texas (H, Geo/C);

(D) identify that the Caddo supported their society through farming and trade, including the cultivation of the "three sisters" crops that consisted of corn, beans, and squash; the use of crop rotation; and the participation in extensive regional trade networks (H, Geo/C, E);

(E) locate on a map West Texas and the Big Bend region, including areas along major river corridors and desert environments as places where the Jumano and Pueblo lived (H, Geo/C, S);

(F) identify characteristics of Jumano settlements as villages built with adobe and locate the rock art site at Paint Rock (H, Geo/C);

(G) identify that the Jumano played a significant role in regional trade networks by exchanging goods with Pueblo and Caddo people across Texas and the Southwest (H, Geo/C, E);

(H) locate the Plains of Texas on a map and identify this region as where the Apache lived (H, Geo/C, S);

(I) explain that the Apache participated in seasonal movement patterns, including traveling to hunt bison (buffalo) and moving in response to the availability of scarce resources (H, Geo/C);

(J) describe key characteristics of Apache life in the Plains, including the use of tipis and grass huts, hunting bison (buffalo), and the use of bison (buffalo) jumps to obtain food and materials (H, Geo/C);

(K) identify how the Apache interacted with other peoples through conflict, including fighting other tribes to control access to scarce resources on the Plains of Texas (H, Geo/C);

(L) identify Apache participation in trade networks, including exchanges that reached the Rio Grande region (H, Geo/C, E);

(M) identify the importance of natural resources to the Apache, including the use of Alibates flint quarry for making tools (H, Geo/C);

(N) identify important regional sites, including sacred springs used by Coahuiltecan peoples and the Loma Sandia burial site near present-day Corpus Christi (H, Geo/C); and

(O) compare the differences between natural resources and climate in east and west Texas and the effect on American Indian tribes (H, Geo/C).

(6) The Renaissance and Connections to America and Texas. The student understands important contributions to Western civilization from the Renaissance. The student is expected to:

(A) locate on a map the Italian states of Florence, Genoa, and Venice (H, Geo/C, S);

(B) describe the Renaissance as a restoration of classical Greek and Roman ideas of liberty, self-government, and art (H, G/Civ, Geo/C);

(C) explain that the Renaissance focused on the value of the individual and that this core characteristic influenced American founders' ideas about rights and government (H, G/Civ, Geo/C);

(D) explain that Leonardo da Vinci was described as a "Renaissance Man" because he was an artist, scientist, and inventor that inspired others (H, G/Civ, Geo/C);

(E) explain that the term "Renaissance Man" was used to describe American founders Benjamin Franklin and Thomas Jefferson and that the term is still used today (H, G/Civ, Geo/C); and

(F) explain that wealthy patrons, including the Medici family, played a crucial role in developing traditions of private investment and sponsorship that helped shape modern banking systems and contributed to the development of free enterprise in the economic systems of the United States and Texas (H, G/Civ, Geo/C, E).

(7) Columbus and the Beginning of Exploration. The student understands important causes for the Age of Exploration and the voyages of Christopher Columbus. The student is expected to:

(A) identify the Silk Road as a major trade route where resources, wealth, and ideas were exchanged (H, Geo/C, E);

(B) explain that a cause of the Age of Exploration was the conquest of Constantinople by the Ottoman Empire that closed off Europe from the Silk Road and trade with Asia (H, G/Civ, Geo/C, E);

(C) explain that rulers throughout Europe, including France, Portugal, Spain, and England, strived to accumulate wealth and fame and spread religion which contributed to the Age of Exploration (H, G/Civ, Geo/C, E);

(D) explain that scientific innovations, including the caravel ship and the compass for navigation, made transatlantic exploration more accessible (H, Geo/C);

(E) locate on a map the four voyages of Christopher Columbus (H, Geo/C, S);

(F) explain that Columbus was attempting to test a faster route to Asia by sailing west across the Atlantic and that he landed in the Americas thinking it was Asia (H, Geo/C);

(G) describe why Columbus claiming of the land for Spain is significant because he represented rulers who sought more wealth, expansion of their territories, and to spread their faith of Christianity (H, G/Civ, Geo/C, E);

(H) describe Columbus' alliances and conflicts with the Taino and the Carib (H, G/Civ, Geo/C, E);

(I) identify Columbus Day as a holiday that commemorates his voyages (H, G/Civ, Geo/C); and

(J) explain that the name "America" comes from Amerigo Vespucci who was an Italian explorer that identified that the lands Columbus explored were not Asia (H, Geo/C).

§113.6. Social Studies, Grade 5, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 5, the learning is vertically aligned to content in Kindergarten-Grade 4, building upon important ideas in more complex and meaningful ways. Students study major global, American, and Texas developments from the Reformation through the founding of the United States to understand how ideas, events, and systems shaped the political, economic, and civic foundations of America and Texas. Students examine how challenges to authority, scientific discovery, religious beliefs, economic change, and the exchange of ideas influenced individual rights, self-government, and the pursuit of freedom. These connections help students understand the foundations of laws, government, cultural traditions, and civic responsibilities in their own communities and prepare them for future studies in history, geography, economics, and civics.

(A) Students explore the Protestant Reformation, the Scientific Revolution, and the Enlightenment to understand how questioning religious and political authority led to new ideas about natural rights, limited government, consent of the governed, and economic freedom. They analyze how technological and scientific innovations supported economic growth and helped spread ideas that influenced American colonists and the founders of the United States and Texas.

(B) Students investigate European exploration and colonization in the Americas, including the establishment of New Spain and the British colonies. They examine how geography shaped settlement patterns, regional economies, and trade, as well as how interactions among peoples involved cooperation, conflict, cultural exchange, and the development of labor systems, including indentured servitude and slavery.

(C) Students study the growth of self-government in colonial America, including representative institutions, written agreements, religious freedom, reform movements, and English legal traditions. They examine the causes, major events, and key individuals of the American Revolution and analyze how colonial resistance to British political and economic policies led to independence. Students explore how the ideas expressed in the Declaration of Independence reflected Enlightenment principles and shaped American beliefs about equality and individual rights.

(D) Students conclude the course by examining the challenges faced by the new nation and the creation of the United States Constitution. They analyze the weaknesses of early government, the compromises made to form a stronger union, and the principles embedded in the Constitution, including separation of powers, checks and balances, federalism, and the protection of individual rights through the Bill of Rights. Throughout Grade 5, students use maps, timelines, primary sources, and historical evidence to analyze cause-and-effect relationships, compare perspectives, and connect historical developments to the foundations of American and Texas government, law, economy, and civic responsibility.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, and explain how these factors affect how the source should be used as evidence (H, G/Civ, Geo/C, S);

(B) explain how the historical context in which an event occurred or a source was created shapes its meaning, including considering what people at the time knew, believed, and experienced (H, S);

(C) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(D) compare two or more accounts of the same event or topic to identify points of agreement and disagreement and explain why accounts may differ based on the author's perspective, background, or purpose (H, G/Civ, S);

(E) construct and interpret timelines to sequence events across multiple time periods and identify patterns of continuity and change over time (H, Geo/C, S);

(F) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows, explaining what it reveals about the past, and identifying what questions it leaves unanswered (H, Geo/C, S);

(G) construct a written response to a historical question by stating a clear claim, supporting it with evidence from sources, and explaining the reasoning that connects the evidence to the claim (H, G/Civ, Geo/C, E, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Reformation, Scientific Revolution, and the Enlightenment and Connections to America and Texas. The student understands important historical events and effects of the Protestant Reformation, the Scientific Revolution, and the Enlightenment. The student is expected to:

(A) identify Martin Luther as the leader of the Protestant Reformation and King Henry VIII as the leader of the protestant movement in England (H, G/Civ, Geo/C);

(B) explain how the Protestant Reformation encouraged people to question religious and political authority and later influenced American colonists to challenge unfair rule and demand greater freedom (H, G/Civ, Geo/C);

(C) explain how the printing press helped spread Reformation ideas quickly, including wider access to the Bible, and compare how this innovation also helped spread ideas when American founders shared arguments for independence (H, G/Civ, Geo/C);

(D) explain how disagreements over religious freedom during the Protestant Reformation led many Europeans to migrate to America, shaping early colonial settlements (H, G/Civ, Geo/C);

(E) explain how technological improvements in transportation and farming during the Scientific Revolution supported economic development by making goods easier to produce and trade (H, Geo/C, E);

(F) explain Charles Montesquieu's idea that government power should be divided with different parts of government checking each other known as the separation of powers and how this idea influenced the government structures for the United States and Texas (H, G/Civ); and

(G) explain how Adam Smith's idea of economic freedom, including how people make choices about buying, selling, and working, helped foster capitalism in America and Texas (H, Geo/C, E).

(2) Exploration and Early Settlements in America. The student understands important historical events and developments in the European settlements of the Americas. The student is expected to:

(A) identify the routes explored and areas claimed by Spain in the early exploration of the Americas (H, Geo/C, S);

(B) identify Hernán Cortés as a Spanish conquistador who explored central Mexico encountering the Aztec Empire under the rule of Moctezuma II (H, G/Civ, Geo/C);

(C) explain Cortés' alliances with surrounding native groups, including the Tlaxcala, that led to the eventual defeat of the Aztec Empire (H, G/Civ, Geo/C);

(D) identify Francisco Pizarro as a Spanish conquistador who encountered the Inca Empire while exploring the Andes region of South America (H, G/Civ, Geo/C);

(E) explain Pizarro's role in the capture of Atahualpa and the fall of the Inca Empire (H, G/Civ, Geo/C);

(F) explain the founding of New Spain, including the establishment of Mexico City, at the site of the former Tenochtitlán, as the capital of Spanish rule in the Americas (H, G/Civ, Geo/C);

(G) locate New Spain on a map and explain that Spanish control extended into present-day Texas and present-day American Southwest (H, G/Civ, Geo/C, S);

(H) describe the encomienda system that Spanish colonists used to control the labor of American Indians and describe the inhumane treatment and hardships experienced by many American Indians through this system (H, G/Civ, Geo/C, E);

(I) explain the role of Friar Bartolomé de las Casas in speaking out against the mistreatment of American Indians leading to protective reforms (H, G/Civ, Geo/C);

(J) explain the Pueblo Revolt as a successful American Indian rebellion against Spanish rule that contributed to the movement of Spanish settlements in Corpus Christi de la Ysleta del Sur in Paso del Norte (H, G/Civ, Geo/C);

(K) identify the Columbian Exchange on maps and explain the movement of goods, diseases, technology, and ideas between Europe, Africa, and the Americas during the Columbian Exchange (H, Geo/C, E, S);

(L) describe the inhumane treatment endured by enslaved Africans during conveyance and enslavement (H, Geo/C);

(M) describe how most enslaved Africans were taken to South America and the Caribbean to support the production of cash crops, with the American colonies receiving a smaller portion of enslaved people compared to other regions in the Americas (H, Geo/C, E);

(N) identify economic contributions of enslaved people, including harvesting indigo (Geo/C);

(O) identify how the Stono Rebellion showed the resistance of slavery (H);

(P) identify the routes explored and areas claimed by France in the early exploration of the Americas (H, G/Civ, Geo/C);

(Q) identify René Robert Cavelier, Sieur de La Salle, and explain his role in French exploration of North America (H, Geo/C, E); and

(R) explain the economic importance of fur trading to French exploration and settlement in North America (H, Geo/C, E).

(3) Exploration and Settlements in Texas. The student understands important historical events and developments in the Spanish settlement of Texas. The student is expected to:

(A) locate on a map and describe major geographic features found in locations in Texas, including the Gulf Coastal Plains, Gulf of America, Great Plains, Guadalupe Mountains, Rio Grande River, Piney Woods, Hill Country, and Big Bend National Park (Geo/C, S);

(B) identify that Alonso Alvarez de Pineda as the first European to map the Texas Gulf Coast (H, G/Civ, Geo/C, E);

(C) identify that Cabeza de Vaca was one of the first Europeans to explore modern day Texas and the Southwest (H, G/Civ, Geo/C, E);

(D) identify that Francisco Coronado traveled through Texas and the Southwest (H, G/Civ, Geo/C, E);

(E) identify the effects of Spanish rule, including the establishment of Spanish Catholic missions and presidios to spread Christianity (H, G/Civ, Geo/C);

(F) explain the effects of Spanish Catholic missions and presidios on Texas settlement, trade in San Antonio de Bexar, and Paso del Norte (H, G/Civ, Geo/C, E);

(G) identify the role of Antonio Margil de Jesus and Friar Francisco Hidalgo in laying the foundations of Texas communities by establishing missions (H, G/Civ, Geo/C, E);

(H) explain how the blending of the American Indian and Spanish cultures led to contributions in the Americas, including vaquero culture and the religious tradition of Las Posadas (H, G/Civ, Geo/C, E);

(I) explain how the horse transformed the life of the Comanches and how their expert horsemanship resulted in the expansion of bison (buffalo) hunting, raiding, and travel (H, Geo/C); and

(J) explain how Spain influenced Texas legal traditions, including the right of women to own property and the concept of community property in marriage (H, G/Civ, Geo/C, E).

(4) Trade and the Spread of Ideas. The student understands important world exchanges between European powers and world civilizations during and after the Age of Exploration. The student is expected to:

(A) describe the role world trade played in the growth of the Ottoman Empire during and after the Age of Exploration, including the conquest of Constantinople (H, G/Civ, Geo/C, E);

(B) describe the economic concept of mercantilism and explain how exploration of the New World and mercantilism led to the rise of smugglers, pirates, and privateers (H, G/Civ, Geo/C, E);

(C) explain how changes among Christians following the Protestant Reformation influenced events in England, including the defeat of the Spanish Armada and the Glorious Revolution, and how these events inspired the American colonies to seek religious and political freedom (H, G/Civ, Geo/C); and

(D) compare absolute monarchy based on divine right and unlimited government demonstrated by James I with self-government and personal liberty sought in the American colonies (H, G/Civ, Geo/C).

(5) The British Colonies in America. The student understands the founding of American colonies. The student is expected to:

(A) identify on a map the thirteen American colonies (H, Geo/C, S);

(B) describe the geography of three regions of the thirteen colonies, including New England with rocky soil and good harbors, the Middle Colonies with broad rivers for trade, and the Southern colonies with fertile soil and long crop-growing seasons (H, Geo/C, E, S);

(C) explain the founding of Jamestown, including interactions between the Powhatan people and the English, the cooperation between Pocahontas and John Smith, and the challenges faced by colonists during the Starving Time (H, Geo/C);

(D) explain that the Pilgrims founded Plymouth Colony in 1620 and the Puritans founded Massachusetts Bay in 1630 to gain religious freedom (H, G/Civ, Geo/C);

(E) explain how the Wampanoag people, including Squanto, helped the colonists survive the first winter by sharing agricultural knowledge and resources (H, G/Civ, Geo/C, E);

(F) describe the Plymouth Thanksgiving as a time when colonists and American Indians came together to give thanks after surviving the first year (H, Geo/C);

(G) explain how ideas about private property and economic opportunity at Jamestown laid the groundwork for free enterprise in America (H, G/Civ, Geo/C, E);

(H) compare the self-government modeled in Jamestown and Plymouth through decision making processes in the Virginia House of Burgesses and the Mayflower Compact reflecting consent of the people (H, G/Civ, Geo/C);

(I) explain how religious freedom and John Winthrop's image of a "City Upon a Hill" inspired colonial America's beliefs about community, purpose, and American exceptionalism (H, G/Civ, Geo/C);

(J) describe religious diversity in the American colonies and locate on a map settlements founded by various religious groups, including Anglicans, Catholics, and Quakers (H, G/Civ, Geo/C, S);

(K) compare periods of cooperation and conflict between colonists and American Indian groups, including Powhatan Confederacy and the Powatan Anglo Wars (H, G/Civ, Geo/C, E);

(L) compare the use of indentured servitude and slavery as labor systems in the American colonies (H, G/Civ, Geo/C, E); and

(M) describe early reform movements in the American colonies, including the beginnings of the anti-slavery movement by the Quakers (H, G/Civ, Geo/C).

(6) The British Colonies in America. The student understands important ideas and events that influenced self-government in colonial America. The student is expected to:

(A) define salutary neglect as a British policy of loosely enforcing laws and trade regulations in the American colonies, which allowed colonists greater self-government (H, G/Civ, Geo/C, E);

(B) explain that the Great Awakening inspired colonists to pursue the cause of independence and liberty (H, G/Civ, Geo/C);

(C) explain the impact of the Enlightenment, including John Locke's belief in reason, limited government, and consent of the governed, and how these ideals helped shape American and Texan beliefs about fair government (H, G/Civ, Geo/C);

(D) identify examples of the growth of local self-government, including holding town meetings, electing neighbors to colonial assemblies to make laws for the community, and providing for self-defense through militias (H, G/Civ, Geo/C); and

(E) describe examples of English ideas of rights, including the Magna Carta and the English Bill of Rights (H, G/Civ, Geo/C).

(7) The American Revolution and the Pursuit of Freedom. The student understands important causes, events, and effects of the American Revolution. The student is expected to:

(A) identify mercantilism as an economic system that limited colonial trade and production to benefit Great Britain, which increased discontent among colonists (H, G/Civ, Geo/C, E);

(B) explain the effects of the French and Indian War on Great Britain, including increased debt, greater control, and revenue from the colonies (H, G/Civ, Geo/C, E);

(C) identify the Proclamation of 1763 as a British law that limited colonial expansion west of the Appalachian Mountains (H, G/Civ, Geo/C, E);

(D) describe the Stamp Act as one of several acts that required colonists to pay taxes on printed materials and led to protests over taxation without representation (H, G/Civ, Geo/C, E);

(E) describe the Tea Act, including how it gave the British East India Company exclusive control over tea sales in the colonies, and explain how colonists opposed the Act and responded with the Boston Tea Party (H, G/Civ, E);

(F) describe the role of Samuel Adams and the Sons of Liberty in organizing colonial protests and resistance to British taxation and rule (H, G/Civ);

(G) describe the Intolerable Acts as the British response to colonial resistance and explain how colonists responded, including efforts to unite opposition to British rule (H, G/Civ); and

(H) create a timeline of and explain the relationships between key events leading to the American Revolution (H, G/Civ, Geo/C, E, S).

(8) The American Revolution and the Pursuit of Freedom. The student understands events and significant individuals of the American Revolution. The student is expected to:

(A) describe how colonists organized resistance to British rule through the Committees of Correspondence and the Continental Congress (H, G/Civ, Geo/C);

(B) describe the differing perspectives of Patriots and Loyalists and explain how these divisions affected colonial society (H, G/Civ, Geo/C);

(C) explain the significance of the Battles of Lexington and Concord as the first battles of the American Revolution, including the role of the Minutemen, and describe how these events led to the formation of the Continental Army led by General George Washington (H, G/Civ, Geo/C);

(D) explain how Thomas Paine's writings, including "Common Sense" and "The American Crisis," argued for colonial independence, influenced public opinion, and helped inspire soldiers to persevere at Valley Forge (H, G/Civ, Geo/C);

(E) explain the significance of the Declaration of Independence, adopted on July 4, 1776, including Thomas Jefferson as primary author, and its foundational ideas that all people have unalienable rights, including "life, liberty, and the pursuit of happiness" (H, G/Civ, Geo/C);

(F) describe the contributions of Abigail Adams during the Founding Era, including her call for leaders to "remember the ladies" and her advocacy for women's rights (H, G/Civ);

(G) explain how General George Washington's crossing of the Delaware River and victory at the Battle of Trenton affected American morale and the continuation of the Continental Army (H, G/Civ, Geo/C);

(H) explain how the American victory at the Battle of Saratoga was considered a turning point of the Revolutionary War and helped secure French support for the Revolution (H, G/Civ, Geo/C);

(I) explain how American and allied forces, including Marquis de Lafayette and James Armistead Lafayette, defeated the British at the Battle of Yorktown under Washington's command, effectively ending the Revolution (H, G/Civ); and

(J) identify the Treaty of Paris of 1783 as the agreement that ended the American Revolutionary War and recognized the independence of the United States (H, G/Civ).

(9) The United States Constitution and the Age of Washington. The student understands the American founders' efforts at self-governance as an independent country. The student is expected to:

(A) analyze the weaknesses of the Articles of Confederation by explaining that the national government was too weak to protect frontier lands, control trade between states, and manage economic problems (H, G/Civ, Geo/C, E);

(B) explain the significance of the Northwest Ordinance by describing how it established a process for creating new states and prohibited slavery in the Northwest Territory (H, G/Civ, Geo/C);

(C) explain how delegates at the Constitutional Convention made decisions and resolved disagreements, including the Connecticut Compromise that created a bi-cameral legislature, a two-house Congress with equal representation in the Senate and representation based on population in the House of Representatives (H, G/Civ, Geo/C);

(D) explain that the three-fifths compromise and the slave trade compromise helped the states agree on the Constitution by settling arguments about slavery, taxes, and trade, even though they delayed solving the larger problem of slavery (H, G/Civ, Geo/C, E);

(E) explain the basic principles of American government found in the U.S. Constitution by defining "popular sovereignty" as power derived from the people, "republicanism" as elected representatives, and "limited government" as the people protected from unfair use of governmental power (H, G/Civ, Geo/C);

(F) describe how the Constitution creates separation of power to prevent tyranny (G/Civ);

(G) describe the three branches of government, including the executive, judicial, and legislative branches (G/Civ);

(H) explain checks and balances among the three branches of government (G/Civ);

(I) explain federalism as the sharing of power between national and state governments (G/Civ);

(J) list the Bill of Rights and explain how the Constitution protects individual rights and freedoms (G/Civ);

(K) explain examples of civic responsibilities, including obeying the law, voting, showing patriotism, and serving the country (G/Civ);

(L) explain that the Constitution is the supreme law of the land (G/Civ); and

(M) explain how George Washington's Farewell Address encouraged national unity, warned against political divisions, and advised the nation to avoid permanent alliances with other countries (H, G/Civ, Geo/C).

The agency certifies that legal counsel has reviewed the 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 May 4, 2026.

TRD-202601891

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §§113.21 - 113.23

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.21. Social Studies, Grade 6, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 6, students study political, economic, and social change in the world, United States, and Texas during the 19th and early 20th centuries. Students examine how ideas about liberty, opportunity, equality, and government power shaped historical events and continue to influence civic life.

(A) Students explore how revolutionary ideas spread across Europe and the Americas, including the influence of the American Revolution on independence movements such as the Mexican War for Independence. They examine how the Early Republic expanded, built national identity, and addressed political and economic challenges.

(B) Students investigate westward expansion and its impact on Texas and the nation. They analyze how migration, technology, economic opportunity, and beliefs such as Manifest Destiny shaped settlement and affected American Indian communities. Students study the settlement of Texas, the Texas Revolution, statehood, and the Mexican-American War to understand how conflict and political decisions shaped Texas's development.

(C) Students examine how slavery and sectional conflict between Northern and Southern states led to the Civil War.

(D) Students examine the Reconstruction Era, including the African Americans' acquiring of citizenship, individual rights, and the long-term effects of the Civil War.

(E) Students examine the Civil War and Reconstruction to understand how sectional conflict and slavery led to war and how Reconstruction sought to redefine citizenship, rights, and responsibilities, while also considering the long-term effects of its conclusion.

(F) Students conclude the course by studying the Gilded Age and the closing of the frontier. They examine how industrialization, immigration, urban growth, and technological change transformed Texas and American societies.

(G) Throughout Grade 6, students use maps, timelines, and primary and secondary sources to analyze cause and effect, compare perspectives, and identify continuity and change.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those

key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, and potential bias, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event, including the perspectives of groups whose voices are less represented in traditional historical accounts (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Revolutions in Europe and the Americas during the 1800s. The student understands revolutions around the world and connections to America and Texas. The student is expected to:

(A) explain that the Enlightenment Ideals of the American Revolution, including those of John Locke, inspired the Mexican War of Independence (H, G/Civ);

(B) explain the social hierarchy caste system in Mexico, including peninsulares, criollos, mestizos, American Indians, and enslaved Africans (H, Geo/C);

(C) describe the causes of the Mexican War of Independence from Spain, including social inequality and economic crisis, that led to an independent Mexico (H); and

(D) explain that Miguel Hidalgo's call for independence (Grito de Dolores) from Spain, known as Mexican Independence Day, inspired revolutionary efforts in Texas, including the Battle of Medina in 1813 (H).

(2) The Early Republic and Emergence of an American Culture. The student understands the history of America during the Early Republic from 1800 to 1825. The student is expected to:

(A) explain how the election of Thomas Jefferson in 1800 led to the first peaceful transfer of power between opposing political parties in the United States (H, G/Civ);

(B) explain how the Louisiana Purchase in 1803 expanded the size of the United States and affected national security

and future economic growth during Thomas Jefferson's presidency (H, G/Civ, E);

(C) describe anti-slavery movements within colonial America, including the work of John Woolman, and how these efforts continued into the national period of the United States (G/Civ);

(D) identify 1808 as the year that Congress and Thomas Jefferson outlawed the importation of enslaved people (H, Geo/C);

(E) identify the Barbary War, including the Battle of Tripoli, as a key event that influenced Thomas Jefferson's decision to use military force overseas and contributed to the development of the United States Navy (H, G/Civ);

(F) explain how causes of the War of 1812, including British impressment of American sailors, restrictions on free trade, and the arming of American Indian groups, contributed to growing conflict between the United States and Great Britain (H, G/Civ);

(G) describe key events of the War of 1812, including Andrew Jackson's leadership at the Battle of New Orleans, and how these events strengthened national pride and contributed to the emergence of an American national culture, including the Star-Spangled Banner (H, Geo/C);

(H) explain how limits on free trade during the War of 1812 affected the United States economy, including encouraging Americans to make more goods at home (E, S); and

(I) explain the purpose of the Monroe Doctrine as a warning to European nations not to create new colonies in the Western Hemisphere (H, G/Civ).

(3) Texas Settlement. The student understands the geography of settling Texas. The student is expected to:

(A) locate Texas landforms on a map, including Galveston Bay, Matagorda Bay, Padre Island, the Big Bend, the Panhandle, the Gulf Coast, the Sabine River, and the Red River (Geo/C);

(B) locate major Texas cities on a map, including Houston, San Antonio, Dallas, Fort Worth, Austin, Lubbock, El Paso, and Waco (Geo/C); and

(C) interpret maps to identify how natural resources in Texas, including timber, farmland, and fossil fuels influence where people settled and explain how physical and human factors shaped these settlement patterns (Geo/C).

(4) Texas Settlement. The student understands the motivations of early American settlers in Texas. The student is expected to:

(A) describe how the Mexican government offered land grants to American settlers to increase population in Texas and helped defend the region from raids and conflicts with American Indian tribes (H, Geo/C);

(B) summarize how the Panic of 1819, including bank failures, job losses, and falling farm prices, contributed to migration to Texas (E);

(C) describe how similarities, including federalism and popular sovereignty, between the Texas Constitution of 1824 and the United States Constitution served as motivation for settlers to come to Texas (G/Civ);

(D) explain how Stephen F. Austin and the Old Three Hundred led to the establishment of American communities in Mexican Texas (H);

(E) identify how the empresario system supported settlement in Texas (H); and

(F) identify that interactions between American Indians and settlers were, at times, peaceful and violent (H).

(5) Westward Expansion and the Industrial Revolution. The student understands how westward expansion shaped Texas, including early settlement from 1825 to 1835. The student is expected to:

(A) identify how innovations, including steamboats which improved transportation and the cotton gin which increased production, influenced westward expansion (H, Geo/C, E);

(B) explain how the term "Manifest Destiny" describes when Americans sought new lands and opportunity in the belief that the United States should expand from the Atlantic to the Pacific Ocean (H, Geo/C);

(C) describe how the presidency of Andrew Jackson shaped the nation, including his federal land policies, the Indian Removal Act, the nullification crisis, the dismantling of the Second Bank of the United States, the spoils system, and the expansion of suffrage (H, G/Civ, E); and

(D) explain how the Trail of Tears impacted tribal relations along the Northern border of Texas (H, G/Civ, Geo/C).

(6) Westward Expansion and Texas. The student understands how westward expansion shaped Texas, including the Texas Revolution. The student is expected to:

(A) explain how the suspension of the Mexican Constitution of 1824 and early conflicts such as the Battle of Gonzales ("Come and Take It") and the Siege of Béxar increased tensions between Texian settlers and the Mexican government (H, G/Civ);

(B) describe the contribution of William B. Travis, including how his command at the Alamo became a symbol of defending a just cause (H);

(C) explain why Texians declared independence from Mexico through the Texas Declaration of Independence and identify the significance of March 2, 1836, as Texas Independence Day (H);

(D) describe key events of the Texas Revolution, including the Battle of the Alamo ("Remember the Alamo"), the Battle of Goliad ("Remember Goliad"), and the Battle of San Jacinto, and explain how these events influenced the outcome of the revolution (H); and

(E) explain the contribution of Sam Houston's leadership of the Texian army and his role in securing independence at the Battle of San Jacinto and how the Treaties of Velasco formally ended the Texas Revolution and recognized Texas as an independent republic (H).

(7) Westward Expansion and Texas Statehood. The student understands how westward expansion shaped Texas, including the changes in Texas from independence through 1848. The student is expected to:

(A) explain how the annexation of Texas in 1845 and U.S. President James K. Polk's actions contributed to the outbreak of the Mexican-American War (H, G/Civ);

(B) describe important events of the Mexican-American War and the role of Texans, including military service and support for U.S. forces along the Texas-Mexico border, during the war (H);

(C) explain how the Treaty of Guadalupe Hidalgo ended the war in 1848 and transferred territory to the United States through the Mexican Cession (H, Geo/C);

(D) explain how the outcomes of the Mexican-American War, including increased settlement and pressure on tribal lands, affected relations between the United States and American Indian groups (H, Geo/C); and

(E) compare major population movements in Antebellum America, including westward migration along the Oregon and Mormon Trails, migration to California during the Gold Rush, and European immigration that contributed to settlement in Texas (H, Geo/C).

(8) Texas, The Civil War, and Reconstruction. The student understands the causes, effects, events, and people of the Civil War and Reconstruction in Antebellum Texas and America. The student is expected to:

(A) explain how slave labor contributed to sectionalism by shaping the Southern economy and increasing economic differences between the Northern and Southern states (H, E);

(B) explain how the Missouri Compromise and Nat Turner's Rebellion heightened sectional tensions and deepened disagreements over slavery in the United States (H, G/Civ);

(C) explain the central role of the expansion of slavery in causing sectionalism, disagreement over states' rights, and the Civil War (H, Geo/C);

(D) identify how religious roots of the Second Great Awakening influenced the abolition movement by encouraging moral opposition to slavery and inspiring individuals to work for social reform (H, Geo/C);

(E) identify the roles of Frederick Douglass and Sojourner Truth and how they used speeches and personal experiences to argue against slavery and promote equal rights (H);

(F) identify the contributions of Harriet Beecher Stowe and William Lloyd Garrison and how their writings influenced public opinion against slavery (H);

(G) describe the relationship between Harriet Tubman's role in the Underground Railroad to help enslaved people escape to freedom and the role of Moses who led the Israelites in the biblical story of the Exodus that inspired Tubman's nickname (H, Geo/C);

(H) explain how major events increased disagreements between the North and South and helped lead to the Civil War, including the Compromise of 1850 and its impact on Texas, the idea of popular sovereignty, the Kansas-Nebraska Act, the violence in Bleeding Kansas, and the Dred Scott decision (H, G/Civ, E);

(I) explain how political events, including the founding of the Republican Party, John Brown's raid on Harpers Ferry, the election of Abraham Lincoln, the secession of South Carolina, and the attack on Fort Sumter, led to the outbreak of the Civil War (H, G/Civ);

(J) explain why Texas Governor Sam Houston was removed from office for his refusal to swear loyalty to the Confederacy (H, G/Civ);

(K) describe the significance of major Civil War battles, including Antietam, Gettysburg, Vicksburg, and Appomattox Court House (H, Geo/C);

(L) describe the significance of Civil War battles fought in Texas, including Galveston, Sabine Pass, and Palmito Ranch (H, Geo/C);

(M) describe the role of Texas in the Civil War, including the importance of the "cotton road" to avoid Union blockades, and Texas's supply of cattle and other resources to the Confederacy (H, E);

(N) identify the main ideas expressed in Lincoln's Emancipation Proclamation, the Gettysburg Address, and the Second Inaugural Address (H, S); and

(O) describe the significance of Abraham Lincoln's assassination and how it affected the nation at the end of the Civil War (H).

(9) Texas, the Civil War, and Reconstruction. The student understands the causes, effects, events, and people of the Civil War and Reconstruction in Antebellum Texas and America. The student is expected to:

(A) define Reconstruction as the period after the Civil War when the United States, including Texas, worked to rebuild the nation (H);

(B) explain how newly freed African Americans gained citizenship, individual rights, and started to participate in the free enterprise system (G/Civ, E);

(C) identify the 13th amendment, which formally abolished slavery in the United States (G/Civ);

(D) identify that 14th amendment, which gave citizenship to formerly enslaved people born or naturalized in the U.S. (G/Civ);

(E) identify the 15th amendment, which gave Black men the right to vote in the United States (G/Civ);

(F) explain why Juneteenth is an important symbol of the end of slavery during Reconstruction (H);

(G) explain the shift from slavery to participation in the free enterprise system, including sharecropping, the desire for land ownership, and the start of the Texas Freedom Colonies (E);

(H) explain that the Freedmen's Bureau helped formerly enslaved people transition to freedom while Black Codes limited African Americans' economic and political participation (G/Civ, E);

(I) explain how acts of violence, including intimidation by groups like the Ku Klux Klan, were used to limit the rights of African Americans in Texas during Reconstruction (H, Geo/C, E); and

(J) explain how the Compromise of 1877 led to the end of Reconstruction and the loss of African American political representation and rights (H, G/Civ).

(10) The Gilded Age in America and Texas. The student understands interactions and influences between America and other regions of the world in the late 1800s and early 1900s. The student is expected to:

(A) describe how immigrants entered the United States and Texas through Ellis Island, Galveston, and El Paso, faced federal immigration restrictions, including the Chinese Exclusion Act, and formed cultural communities in Texas (H, G/Civ, Geo/C);

(B) explain how the explosion of the USS Maine and the use of yellow journalism increased public support for American overseas expansion and contributed to the outbreak of the Spanish-American War (H, Geo/C);

(C) describe the Spanish-American War and the role of Theodore Roosevelt and the service of Texan soldiers in the Rough Riders, and how the war expanded U.S. influence beyond North America (H);

(D) identify Jim Crow laws as state and local laws that enforced racial segregation, the disenfranchisement of African Amer-

icans, and how the Supreme Court case Plessy v. Ferguson supported segregation through the "separate but equal" doctrine (H, G/Civ);

(E) compare the ideas of W. E. B. Du Bois, Booker T. Washington, and Marcus Garvey and how each proposed different strategies for achieving equality and improving the lives of African Americans (H, Geo/C);

(F) explain how new technologies, including electricity, steel, and improved transportation, changed manufacturing, communication, and daily life in the United States during the late 1800s (H, Geo/C, E);

(G) identify the contributions of major business leaders, including Andrew Carnegie's role in the steel industry and philanthropy, John D. Rockefeller's work in the oil industry, and Jay Gould's leadership of railroads, which extended into Texas (H, E);

(H) explain the growth of the Texas oil industry, including Spindletop in 1901 and how oil production contributed to economic development and industrial growth in Texas (H, E);

(I) explain how industrialization caused many Americans to move from farms to cities in search of jobs, leading to the rapid growth of American cities in the late 1800s (H, E);

(J) identify how urban growth in Texas was influenced by both internal migration and immigrant settlement in cities, including Galveston, Houston, and El Paso (H, Geo/C);

(K) describe the creation of the Populist Party and why farmers in the United States and Texas organized to address economic challenges and demand political reforms (H, G/Civ, E);

(L) describe how monopolies and labor unions shaped industrial life in the United States and Texas (H, E);

(M) describe the impact of the Galveston Hurricane of 1900, including significant loss of life, the development of the Galveston Sea Wall, and the growth of the National Weather Service (H, Geo/C);

(N) compare socialist ideas as found in The Communist Manifesto, including class struggle and abolishing private property, with American constitutional principles of individual rights and limited government (H, G/Civ, E); and

(O) explain how communist ideology promotes class conflict, violent revolution, and a dictatorship to enforce equality and why these methods conflict with democratic self-government, the rule of law, protections for individual liberty, and freedom of religion (H, G/Civ, E).

(11) The Texas Frontier. The student understands important changes in the Texas and American frontier. The student is expected to:

(A) identify important developments during westward expansion after the Civil War, including the American cowboy era, the Chisholm Trail, the Goodnight-Loving Trail, and the growth of "cowtowns" that supported the cattle industry (H, Geo/C);

(B) describe how agricultural traditions, including vaquero practices in places like the King Ranch and irrigated farming in South Texas, helped shape Texas's economy (H, Geo/C, E);

(C) explain how land grants and railroad expansion supported westward settlement, including support of agriculture, and describe how the railroad contributed to the closing of the frontier by establishment of cities and towns and making long cattle drives less necessary (H, Geo/C, E);

(D) describe important events affecting American Indians in Texas and the United States after the Civil War, including conflicts with settlers, forced removal to reservations, and the status of American Indian tribes at the close of the frontier (H, G/Civ, Geo/C); and

(E) identify why cultural traditions, including Fiestas Patrias, Cinco de Mayo, Las Posadas, and Día de los Muertos, are reflected in Mexican American communities in Texas (H, Geo/C).

§113.22. Social Studies, Grade 7, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 7, students study the world, United States, and Texas from the Progressive Era through the early 21st century to understand how reform, worldwide conflict, political ideology, economic change, and innovation shaped modern American and Texas societies. Students examine how democratic ideas, freedom, equality, and government authority influenced historical events and continue to affect civic life.

(A) Students explore the Progressive Era to understand how Americans responded to industrialization and social inequality. They analyze how reform expanded the role of government, how technology transformed daily life, and how Texans contributed to political change and historical preservation.

(B) Students examine World War I and World War II to understand how worldwide conflict reshaped the United States and Texas. They analyze how leadership, technology, and citizen participation affected the homefront, civil liberties, and America's role in world affairs. Emphasis is placed on Texas's contributions to war efforts.

(C) Students study the rise of communism, the Cold War, and the collapse of communist regimes to understand how ideological conflict shaped global politics after World War II. They analyze how the United States and its allies responded through diplomacy, economic policy, military strength, and international cooperation.

(D) Students investigate domestic and global change in the late 20th century, including the Civil Rights Movement, presidential leadership, including three presidents from Texas, and conflicts such as the Vietnam War and the Gulf War. They examine how political decisions, civic participation, and foreign policy shaped American society and Texas's role in national affairs.

(E) Students conclude the course by examining contemporary America and Texas. They analyze how technological innovation, including the internet and social media, transformed communication, the economy, and daily life.

(F) Throughout Grade 7, students use primary and secondary sources, maps, and data to analyze cause and effect, compare perspectives, and evaluate evidence.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold

the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, and potential bias, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event, including the perspectives of groups whose voices are less represented in traditional historical accounts (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Progressive Era. The student understands the important ideas and effects of the Progressive Era in America. The student is expected to:

(A) describe the influence of Susan B. Anthony, Elizabeth Cady Stanton, and Minnie Fisher Cunningham in the passage of the 19th Amendment (H, G/Civ);

(B) compare the Founders' belief in limited government and free enterprise with the Progressive belief that government should set rules to protect workers and consumers (H, G/Civ);

(C) analyze the immediate and long-term effects of Theodore Roosevelt's major domestic issues, including conservation efforts that led to the creation of the National Park Service, including Big Bend National Park, which protected natural resources, and the Meat Inspection Act, which improved food safety for consumers (H, G/Civ, E);

(D) analyze the immediate and long-term effects of Theodore Roosevelt's major foreign policies, including the Roosevelt Corollary to the Monroe Doctrine and support for construction of the Panama Canal, which expanded United States influence and involvement in international affairs (G/Civ, E);

(E) identify the roles of Adina de Zavala and Clara Driscoll in the preservation of the Alamo and Texas historical heritage (H, Geo/C);

(F) identify the impact of Spindletop on American and Texas society, including boomtowns and mobility (H, E); and

(G) explain how Henry Ford used the assembly line in the production of the Model T and how this concept impacted division of labor and economies of scale (H, E).

(2) World War I: United States and Texas. The student understands the impact of World War I on America. The student is expected to:

(A) describe the Pershing Expedition, including U.S. military operations launched from Fort Bliss into Mexico (H, G/Civ);

(B) explain that unrestricted submarine warfare and the Zimmermann Telegram contributed to United States involvement in World War I, including the threat of German support for Mexico to attempt to regain Texas (H, G/Civ);

(C) explain the impact of artillery, machine guns, tanks, barbed wire, poison gas, and trench warfare on the high death toll and widespread destruction of land in Europe during World War I (H);

(D) explain that Americans supported the war through citizenship actions, including purchasing Liberty Bonds, volunteerism, and conserving food and fuel (H, G/Civ);

(E) explain the Espionage and Sedition Acts and how these acts limited civil liberties, including speech, dissent, and daily life, on the World War I homefront (H, G/Civ);

(F) explain the Selective Service Act and its role in mobilizing soldiers and shaping the World War I homefront (H, G/Civ); and

(G) identify that the American Doughboys, including Texans of the 90th Infantry, "Tough 'Ombres," and the 36th Division, fought in major World War I offensives (H).

(3) 1920s and 1930s: United States and Texas. The student understands important events in America during the Roaring Twenties and the Great Depression. The student is expected to:

(A) identify domestic challenges for the United States following World War I, including renewed labor unrest and fears of communism after the Russian Bolshevik Revolution and the Palmer Raids (H, E);

(B) identify domestic challenges for the United States following World War I related to racial violence and intolerance, including the resurgence of the Ku Klux Klan and the Tulsa Race Massacre (H);

(C) identify domestic challenges for the United States following World War I related to Prohibition, including the rise of organized crime (H, G/Civ);

(D) describe American economic developments during the 1920s, including the Great Migration, increased consumer spending, growing prosperity, and the expansion of the stock market (H, E);

(E) describe cultural developments of the 1920s, including the rise of radio, Hollywood films, flapper culture, Art Deco architecture, and professional sports (H, Geo/C);

(F) describe African American cultural developments during the 1920s, including the Harlem Renaissance, jazz and blues music, and the contributions of Texas blues musician Blind Lemon Jefferson (H, Geo/C);

(G) describe life during the Great Depression, including bank runs, widespread unemployment, mass deportations, and the growth of Hoovervilles (H, E);

(H) explain how the Great Depression contributed to fears of political extremism in the United States, including concerns about communism and fascism (H, G/Civ, E);

(I) describe the role of President Franklin D. Roosevelt during the Great Depression, including fireside chats and radio to communicate with the public (H, G/Civ);

(J) identify that the Great Depression worsened economic recovery (E);

(K) describe the role of Texan Sam Rayburn as Speaker of the U.S. House of Representatives in passing New Deal Legislation (H, G/Civ);

(L) explain the geographic patterns and processes of the Dust Bowl, including drought, high winds, and over-farming (H, Geo/C); and

(M) describe how Texans relied on churches, charities, and community support during the Dust Bowl and rebuilt their lives with a shared sense of endurance and hope (H, Geo/C, E).

(4) 1920s and 1930s: United States and Texas. The student understands the key efforts of the New Deal and their connection to Progressive Ideas. The student is expected to:

(A) explain how Texans participated in New Deal programs, including the Soil Conservation Service (SCS) and the Civilian Conservation Corps (CCC), and how these programs reflected Progressive ideas about government responsibility, conservation, and reform (H, G/Civ, E);

(B) describe the Social Security Act and direct welfare payments and explain the effects of both programs, including short-term assistance as opposed to long term assistance, on Americans and Texans during the Great Depression (H, G/Civ); and

(C) identify workers' rights promoted during the New Deal and the role of Frances Perkins as the first female Secretary of

Labor, including how these efforts reflected Progressive ideas about protecting workers through government action (H, G/Civ, E).

(5) Communism and Other Totalitarian Regimes. The student understands the causes, effects and impacts of communism and other totalitarian regimes post-World War I. The student is expected to:

(A) explain the Communist (Bolshevik) Revolution of 1917, including how the Bolsheviks overthrew the Russian government, ended Russia's involvement in World War I, and established the world's first communist government (H, G/Civ, E);

(B) identify differences between the Reds, who supported the Bolshevik government, and the Whites, who opposed the Bolshevik government, during the Russian Civil War, and how the victory of the Reds led to the creation of a communist government (H, G/Civ);

(C) explain characteristics that defined the Bolshevik government in Russia, including a one-party dictatorship with concentrated political power, the elimination of opposition, and the mass violence used to control society (H, G/Civ);

(D) describe Joseph Stalin's rise to power, including the use of political repression, the Great Terror, show trials, forced labor camps, and mass arrests (H, G/Civ, E);

(E) describe the effects of Joseph Stalin's economic policies, including forced land seizures, widespread poverty, and mass suffering in the Holodomor famine in Ukraine (H, G/Civ, E);

(F) identify methods used by communist regimes to spread and maintain their ideology, including propaganda, public shaming tactics, censorship, and forced conformity (H, G/Civ);

(G) explain communist attempts to seize power and the effects of these efforts in China during the 1920s and in Spain during the 1930s (H, G/Civ);

(H) explain the conditions that led to the rise of Adolf Hitler and the Nazi Party in Germany, including applying fascist ideas to appeal to anger over the Treaty of Versailles, unemployment, lost savings, and hyperinflation (H, G/Civ);

(I) explain how the Reichstag Fire was used by Adolf Hitler and the Nazi Party to limit civil rights and gain greater control of the German government (H, G/Civ); and

(J) describe how fears of communist revolution and antisemitism in Germany contributed to Nazi policies, including the Nuremberg Laws, and actions, including Kristallnacht (H, G/Civ, E).

(6) Communism and Other Totalitarian Regimes. The student understands the immediate events that led to World War II. The student is expected to identify how Germany violated the Treaty of Versailles by rebuilding the German military (H, G/Civ).

(7) World War II: United States and Texas. The student understands causes, effects, and impacts of World War II on America and Texas. The student is expected to:

(A) describe the early Axis invasions, including Japan's invasion of China and Europe, and the German and Soviet invasions of Poland and France (H);

(B) explain how Great Britain responded under Winston Churchill's leadership to German attacks, including the evacuation at Dunkirk and the Battle of Britain (H);

(C) describe the attack on Pearl Harbor and the significance of Franklin D. Roosevelt's "Day of Infamy" speech (H);

(D) identify how World War II led to the Bracero Program and the growth of military facilities and defense industries in the South and West (H);

(E) analyze the causes and effects of the internment of Japanese Americans during World War II (H, S);

(F) identify major World War II innovations, including code-breaking technology, vastly improved aircraft, aircraft carriers, radar, and the atomic bomb (H);

(G) explain how the Navajo and Comanche code talkers used their spoken-language codes to function as a secure military communication innovation during World War II (H);

(H) describe American volunteerism, including victory gardens, and sacrifice, including savings bonds, during World War II (H, G/Civ);

(I) identify Hitler's invasion of the Soviet Union and the Battle of Stalingrad as major turning points on the Eastern Front during World War II (H);

(J) identify D-Day and the Battle of the Bulge as key battles in the Allied campaign to defeat Germany in Western Europe (H);

(K) identify the Battle of Midway as a major naval battle that shifted the balance of power in the Pacific during World War II (H);

(L) identify the strategy of island-hopping and the battles of Iwo Jima and Okinawa as part of the Allied campaign against Japan (H);

(M) identify the outcomes of the Conferences at Yalta and Potsdam, including the division of Germany into occupation zones, plans for rebuilding Europe after World War II, and growing tensions between the United States and the Soviet Union that contributed to the Cold War (H);

(N) explain why President Harry S. Truman decided to use atomic bombs developed through the Manhattan Project on Hiroshima and Nagasaki, including to avoid continued American casualties (H, G/Civ, S);

(O) explain the Holocaust, including how the Nazi regime attempted to exterminate the Jewish people and other targeted groups using systematic mass murder through executions and concentration camps (H); and

(P) describe how the war crime trials established accountability for crimes against humanity in both theaters of World War II, including the Nuremberg and Tokyo Trials (H, G/Civ).

(8) World War II: United States and Texas. The student understands Texas's contributions in World War II. The student is expected to:

(A) identify the contributions of Texans Audie Murphy and Chester Nimitz during World War II (H);

(B) identify shipbuilding in Houston and aircraft manufacturing in Fort Worth during World War II as examples of the American Arsenal of Democracy (H, E);

(C) identify the role of oil production and transportation during World War II, including oil production in the Permian Basin, refining in Baytown, Port Arthur and Corpus Christi, the Big Inch and Little Big Inch pipelines, and the petrochemical industry along the Houston Ship Channel, as examples of the American Arsenal of Democracy (H, E);

(D) identify the role of United States military bases, including Fort Hood in Killeen, Fort Bliss in El Paso, and Kelly Field in San Antonio, in supporting World War II operations (H, G/Civ); and

(E) explain the detention of German prisoners of war, including civilian-administered camps in Hearne and Mexia (H, G/Civ).

(9) Post War America and Early Cold War: Western Liberty and Communist Tyranny. The student understands the social, economic, and political impact of events related to the spread of freedom and stopping communism in the late 1900s. The student is expected to:

(A) describe the Cold War as a period of tension between the United States and the Soviet Union that shaped global politics after World War II (H, G/Civ);

(B) describe the development of nuclear weapons as a deterrent during the Cold War (H);

(C) describe how the Iron Curtain divided Europe between communist and western regimes represented by the Berlin Wall (H, G/Civ, E);

(D) explain how the United States' economic aid to Europe was intended to rebuild war-torn nations and limit the spread of communism through the Marshall Plan after World War II (H, G/Civ, E);

(E) explain how the Truman Doctrine committed the United States to supporting countries resisting communism during the early Cold War, including containment and the Korean War (H, G/Civ, E);

(F) explain how modern Israel, with increased international support following the Holocaust, was established in 1948 and how later conflicts in 1967 and 1973 contributed over time to peace treaties with Egypt and Jordan (H, G/Civ);

(G) describe how President Dwight D. Eisenhower supported the creation of the interstate highway system, including I-10, impacting transportation, the economy, and national defense (H, G/Civ, E);

(H) describe how the Soviet launch of Sputnik influenced President Dwight D. Eisenhower's support for scientific advancement, including the creation of the National Aeronautics and Space Administration (NASA), during the Cold War (H, G/Civ, E);

(I) describe the Bay of Pigs invasion and how the failed attempt to overthrow Cuba's communist government affected United States and Cuba relations (H, G/Civ, E);

(J) analyze President John F. Kennedy's support for the space program and Houston's role in the United States' efforts to compete with the Soviet Union during the Space Race (H, G/Civ, E); and

(K) describe the assassination of President John F. Kennedy in Dallas, Texas, in 1963 and its impact on the nation (H, G/Civ).

(10) Civil Rights Movement. The student understands the causes, effects and impact of the Civil Rights movement. The student is expected to:

(A) describe key methods of nonviolent protest used during the Civil Rights Movement, including the bus boycott sparked by Claudette Colvin and Rosa Parks, sit-ins, marches, and freedom rides (H, G/Civ);

(B) describe the participation of Texas citizens in the Civil Rights Movement, including the efforts of Barbara Jordan, the first African American woman elected to Congress (H, G/Civ);

(C) describe Dr. Martin Luther King Jr.'s "I Have a Dream" speech as an appeal to America's founding ideals of liberty and equality in the Declaration of Independence (H, G/Civ, S);

(D) explain the impact of Brown v. Board of Education and the Civil Rights Act of 1964 on desegregation and expansion of equal rights in the United States (H, G/Civ);

(E) describe how the assassination of Dr. Martin Luther King Jr. became a turning point in the Civil Rights Movement (H, G/Civ);

(F) explain how Mexican Americans worked to secure civil rights through marches, boycotts, and legal action, including the leadership of Dolores Huerta, Hector P. Garcia, and the League of United Latin American Citizens (LULAC) in Texas (H, G/Civ); and

(G) describe the goals of the American Indian Movement and how the Wounded Knee Occupation drew national attention to Native American civil rights issues (H, G/Civ).

(11) Civil Rights Movement. The student understands domestic and foreign developments during the presidency of Lyndon B. Johnson. The student is expected to:

(A) identify Lyndon B. Johnson as a former congressman and senator from Texas (H, G/Civ);

(B) explain the impact of Great Society programs on American society, including efforts to reduce poverty, expand educational opportunities, and improve health care during the 1960s (H, G/Civ);

(C) explain the impact of mass media and television on American culture and politics during the 1960s and early 1970s, including shaping public opinion and shared national experiences (H, G/Civ);

(D) describe the cultural revolution of the 1960s and early 1970s, including changes in music, youth culture, social values, and attitudes toward authority (H, Geo/C);

(E) explain the impact of internal migration, including the growth of suburbs and changes in American cities, and demographic change, including the Baby Boom and urban race riots, in the United States after World War II (H, Geo/C);

(F) identify the Vietnam War as a conflict during the Cold War in which the United States became involved in Southeast Asia to prevent the spread of communism (H, G/Civ, E);

(G) explain how the Containment Policy and Domino Theory influenced United States involvement in the Vietnam War (H, G/Civ, E); and

(H) describe the effects of the military draft and the anti-war movement on American society during the Vietnam War, including changes in civic participation and public opinion resulting from the release of the Pentagon Papers (H, G/Civ, Geo/C).

(12) Contemporary America and Texas. The student understands important events in Richard Nixon's presidency. The student is expected to:

(A) identify Richard Nixon's 1968 presidential election victory, the meaning of the term "silent majority," and the role of the "silent majority" in shaping political support during Nixon's presidency (H, G/Civ); and

(B) describe causes of a decrease in public trust in government, including the War Powers Act and the Watergate scandal (H, G/Civ).

(13) Contemporary America and Texas. The student understands important conflicts and resolutions in which America was involved. The student is expected to:

(A) explain how the communist victory in Vietnam led the United States to be more cautious about sending troops into future conflicts and to rely more on diplomacy and alliances in foreign policy (H, G/Civ); and

(B) describe the influence of United States diplomatic efforts in the Middle East, including the positive results of the Camp David Accords and negative results of the Iran Hostage Crisis (H, G/Civ).

(14) Contemporary America and Texas. The student understands people associated with the end of the Cold War. The student is expected to:

(A) analyze Ronald Reagan's presidential leadership, including economic recovery after the oil crisis and relations between the United States and the Soviet Union to bring down the Berlin Wall (H, G/Civ, E);

(B) identify the role of Margaret Thatcher in supporting democratic ideals and strengthening Western opposition to communism during the Cold War (H, G/Civ, E);

(C) identify how Mikhail Gorbachev's reforms in the Soviet Union contributed to the easing of Cold War tensions and the collapse of communism (H, E); and

(D) identify the roles of Pope John Paul II, Ronald Reagan, and the Solidarity movement, led by Lech Wałsa, in opposing communist rule in Eastern Europe (H, E).

(15) Contemporary America and Texas. The student understands major events and their effects during the 1990s. The student is expected to:

(A) describe the presidency of George H. W. Bush, including his leadership during the end of the Cold War and the Gulf War (H, G/Civ);

(B) identify post-Cold War efforts, including the dissolution of the Soviet Union and the creation of the North American Free Trade Agreement (NAFTA), and explain the effects of these efforts on United States foreign and economic policy (H, G/Civ, E); and

(C) explain the impact of the Gulf War, including the role of Saddam Hussein as the leader of Iraq, on the United States and the Middle East (H, G/Civ).

(16) Contemporary America and Texas. The student understands the presidencies of George W. Bush and Barack Obama. The student is expected to:

(A) explain the September 11, 2001, terrorist attacks motivated by radical Islam and the immediate impact of the attacks on the United States, including national security concerns and public response (H, G/Civ);

(B) describe the War on Terror and explain the role of al-Qaeda and Osama bin Laden in shaping United States foreign policy after September 11, 2001 (H, G/Civ);

(C) explain the impact of the Iraq War during the presidency of George W. Bush and the effects on United States involvement in the Middle East (H, G/Civ);

(D) explain the causes and effects of the 2008 economic crisis (E, S); and

(E) identify the significance of the election of Barack Obama as the first African American president in United States history (H, G/Civ).

(17) Contemporary America and Texas. The student understands important innovations and their effects on society during the computer and technological revolution of the 2000s and 2010s. The student is expected to:

(A) describe the impact of the internet and smartphones on communication and changes in daily life (H, Geo/C); and

(B) describe the influence of social media platforms and big tech companies on how people interact, share information, and conduct business (H, Geo/C).

§113.23. Social Studies, Grade 8, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) Social studies instruction in Grade 8 is a Texas history capstone course emphasizing vertically aligned topics presented in Grades 3-7 in more complex and meaningful ways. In Grade 8, students study the history of Texas from the earliest human presence through the early 21st century to understand how geography, culture, conflict, and economic change shaped the state's identity. Students examine how Texas developed within regional, national, and global contexts and how American founding ideals and historical decisions continue to influence life in Texas today.

(A) Students explore the geography and prehistoric past of Texas to understand how early peoples adapted to their environments and organized their societies. They examine European exploration, colonization, and the Mexican National Period to understand how imperial competition, political change, and settlement shaped early Texas.

(B) Students study the Texas Revolution, the Republic of Texas, and early statehood to understand how political conflict, military struggle, and nation-building influenced Texas's path. They examine annexation, slavery, sectional tension, and the Civil War, and analyze how Reconstruction reshaped Texas government, society, and the frontier.

(C) Students examine Texas's transformation during the late 19th and 20th centuries, including industrialization, ranching, immigration, oil development, and global conflict. They analyze how the Great Depression, World War II, civil rights efforts, modernization, and demographic change reshaped Texas communities and expanded the role of government.

(D) Students conclude the course by examining contemporary Texas. They analyze how energy markets, politics, migration, culture, and economic change shaped Texas from the 1970s to the present and how American founding principles continue to influence Texas government, law, and civic culture.

(E) Throughout Grade 8, students use maps, primary and secondary sources, and historical analysis to examine cause and effect, compare perspectives, and identify continuity and change.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, and potential bias, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event, including the perspectives of groups whose voices are less represented in traditional historical accounts (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(9) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(10) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Days Before Contact. The student understands the geography of Texas. The student is expected to:

(A) identify Texas regions on a map, including Coastal Plains, Great Plains, North Central Plains, and Mountains and Basins (Geo/C); and

(B) identify on a map Texas rivers, including Brazos, Colorado, Rio Grande, Red, and Sabine (Geo/C).

(2) The Days Before Contact. The student understands the prehistoric past of Texas and how the environment shaped early human cultures, how and where people lived. The student is expected to explain how geographic features and environmental conditions influenced the development of Gulf, Plains, Puebloan, and Southeastern cultures, including settlement patterns and resource use (H, Geo/C).

(3) The Age of Contact. The student understands the Age of Contact. The student is expected to:

(A) describe the experiences of Álvar Núñez Cabeza de Vaca, including how his relationship with American Indians changed his views and how his diaries led other explorers to the Americas (H, Geo/C, E); and

(B) explain the effects of Spanish exploration in Texas, including territorial claims, interactions with American Indian groups, and increased competition among European powers (H, Geo/C, E).

(4) Spanish Colonial Period. The student understands how European imperial competition, global trade, and colonization shaped early Texas. The student is expected to:

(A) explain the significance of René-Robert Cavelier, Sieur de La Salle, and how French exploration intensified imperial rivalry between France and Spain in Texas (H, Geo/C, E); and

(B) describe the role of the Spanish mission system in Texas, including settlement, conversion, and control of American Indian populations (H, Geo/C).

(5) Mexican National Period. The student understands how Mexico's independence affected Mexican Texas. The student is expected to:

(A) compare the ideas of Alexis de Tocqueville and Lorenzo de Zavala regarding representative government, individual rights, and citizen participation in a democracy (H, G/Civ);

(B) explain how Enlightenment ideas, including natural rights, popular sovereignty, and republicanism, influenced the American Revolution, the Mexican War for Independence, and later the Texas Revolution (H, G/Civ);

(C) explain the significance of events during the Mexican War for Independence, including the call for people to rise up against the caste system in Mexico in the Grito de Dolores and the death toll at the Battle of Medina (H);

(D) describe the economic effect of the Panic of 1819 on Americans moving to Texas for farming opportunities, including plentiful land (H, Geo/C, E);

(E) explain how the Mexican Constitution of 1824 shaped governance and the State Colonization Law of 1825 shaped settlement in Texas (H, G/Civ); and

(F) describe the role of empresarios settling in Texas, including Stephen F. Austin, who led Anglo-American colonization; Green DeWitt, who helped expand settlement near Gonzales; and Martín de León, who established a primarily Mexican colony (H, Geo/C, E).

(6) Texas Revolution and the Republic. The student understands the political, economic, and military causes, course, and consequences of the Texas War for Independence. The student is expected to:

(A) explain the differences between Federalist and Centralist political views in Mexico and how these disagreements increased tension in Mexican Texas (H, G/Civ);

(B) explain the chain of events that contributed to escalating conflict leading to the Texas Revolution, including the Fredonian Rebellion, the Turtle Bayou Resolutions, the Conventions of 1832 and 1833, and Stephen F. Austin's expedition to Mexico City (H, G/Civ, Geo/C);

(C) explain how the Mier y Terán Report led to the Law of April 6, 1830, which limited Texian rights (H, G/Civ);

(D) describe the outbreak of the Texas Revolution and early military engagements, including the first battle at Gonzales and the Siege of Béxar (H);

(E) compare the principles expressed in the Texas Declaration of Independence with the United States Declaration of Independence, including grievances, natural rights, and self-government (H, G/Civ, S);

(F) explain how the siege of the Alamo became an inspiration for Texans and Americans, and describe the roles of Texas heroes William Travis, Juan Seguin, David Crockett, and James Bowie (H, G/Civ);

(G) identify that the Travis Letter exemplifies the importance of the idea of pride in Texas as a new nation with ideals that inspired many in the United States and Texas to support Texas independence (H, S);

(H) analyze the poems The American Flag by Joseph Rodman Drake and The Defence of the Alamo by Joaquin Miller and how poetic appeals to patriotism help to unify the people of the United States and the people of Texas (G/Civ, S);

(I) identify Tejanos who signed the Texas Declaration of Independence, including Jose Antonio Navarro, Francisco Ruiz, and Lorenzo de Zavala (H, G/Civ, Geo/C);

(J) describe how ideas from the Federalist Papers, including republican government in Federalist 10, separation of powers in Federalist 51, and judicial authority in Federalist 78, are reflected in the United States and Texas Constitutions (Geo,C);

(K) compare the United States Constitution and the Texas Constitution written at the Convention of 1836, including separation of powers and branches of government (H, G/Civ);

(L) explain how the Alamo and the Goliad Massacre increased fear resulting in the Runaway Scrape (H);

(M) explain how the Battle of San Jacinto and the Treaties of Velasco ended the Texas Revolution (H); and

(N) compare the structure of the Constitution of the Republic of Texas with the U.S. Constitution, including the Bill of Rights (H, G/Civ, S).

(7) Texas Revolution and the Republic. The student understands the challenges of nation-building, security, diplomacy, and annexation faced by the Republic of Texas. The student is expected to:

(A) explain why the Republic of Texas sought diplomatic recognition and alliances after independence, including desiring protection from Mexico (H, G/Civ);

(B) explain the conflicts between the Republic of Texas and American Indian groups, including Fort Parker with Cynthia Ann Parker, the Council House Fight with Matilda Lockhart, the Battle of Neches with Chief Bowles, and Plum Creek with John "Jack" Hays (H);

(C) explain the significance of the Córdova Rebellion as an internal challenge to the authority of the Republic of Texas (H);

(D) describe Mexican military efforts to reclaim Texas and how these invasions threatened the security of the Republic of Texas (H);

(E) explain how the Santa Fe Expedition worsened relations between Texas and Mexico (H, Geo/C);

(F) compare the presidencies of Mirabeau B. Lamar and Sam Houston, including views on annexation, American Indians, and Mexico (H, G/Civ);

(G) explain the role of Texas Rangers in defending the Republic of Texas, including border and frontier patrol (H, G/Civ);

(H) explain arguments regarding the annexation of Texas, including economic concerns, security, and the expansion of slavery (H, G/Civ, Geo/C, E, S);

(I) explain how the United States annexed Texas and identify Anson Jones as the architect of annexation in 1845 (H, G/Civ);

(J) locate on a map the area of Texas that was ceded to the United States in 1850 (H, G/Civ); and

(K) explain the conditions of annexation under which Texas retained control of its public land and the U.S. recognized the boundaries claimed by Texas, including the seaward boundary of three marine leagues (H, G/Civ).

(8) Texas Early Statehood. The student understands slavery and secession. The student is expected to:

(A) describe the causes of the Mexican-American War, including Manifest Destiny, the Texas annexation, and the Rio Grande boundary dispute, from U.S. and Mexican perspectives and explain how the Treaty of Guadalupe Hidalgo redefined Texas's borders and the rights of its citizens (H, Geo/C);

(B) explain the role of the United States Army in Texas during early statehood, including forts built for border defense (H, G/Civ, Geo/C);

(C) explain how United States policies toward American Indian groups changed during early statehood and how those policies affected Texas, including reservations (H, G/Civ, Geo/C);

(D) explain the purpose of the Compromise of 1850 in resolving sectional tensions, including establishing the present-day boundaries of Texas (H, Geo/C);

(E) describe the causes of conflict between Texans and the Comanche (N~~u~~m~~u~~n~~u~~~~u~~) and how warfare, disease, and displacement contributed to the Comanche decline (H, G/Civ, Geo/C);

(F) explain how debates and sectional tensions developed in Texas and the United States before the Civil War, including disagreements over the expansion of slavery into new territories, concerns about protecting the cotton-based economy, and arguments about whether the federal government or the states should decide laws regarding slavery (H, G/Civ, Geo/C, E);

(G) explain the Texas Ordinance of Secession in relation to larger sectional debates in the United States, including slavery, states' rights, and loyalty to the Union (H, G/Civ, S);

(H) explain Sam Houston's resistance to the Texas Ordinance of Secession because of his loyalty to the United States Constitution, which led to his removal as governor of Texas (H, G/Civ); and

(I) explain the surrender of the United States Army's Department of Texas and the results of the popular vote for secession (H, G/Civ).

(9) Civil War and Reconstruction. The student understands how Civil War and Reconstruction reshaped Texas society and government. The student is expected to:

(A) explain the strategic importance of Texas to the Confederate war effort, including supply routes, ports, and frontier defense (H);

(B) identify major military events involving Texas during the Civil War, including the New Mexico Campaign, the Union blockade, and the battles of Galveston and Sabine Pass (H, Geo/C);

(C) explain the goals of Union occupation in Texas to control the transportation of goods, including cotton in coastal South Texas, and the Red River Campaign (H);

(D) explain causes of frontier violence, including Elm Creek and Dove Creek conflicts, in Texas during the Civil War (H);

(E) explain the significance of the Great Hanging at Gainesville as an example of internal conflict and political repression during the war (H);

(F) identify the roles of major Texas Confederate military units, including Hood's Texas Brigade and Terry's Texas Rangers, which supported the Confederate war effort outside Texas (H);

(G) identify the roles of Unionists in Texas during and after the Civil War, including E. J. Davis, A. J. Hamilton, and the 1st Texas Cavalry, which was part of the United States Army (H);

(H) explain the announcement of emancipation on Juneteenth that freed slaves in Texas two years after the Emancipation Proclamation (H);

(I) describe the policies enacted during Reconstruction in Texas following the Civil War, including military districts that enforced the 13th, 14th, and 15th amendments and explain the resistance in eastern Texas to the implementation of the policies (H, G/Civ);

(J) identify African American political leaders who were elected during Reconstruction, including George T. Ruby, Norris Wright Cuney, Walter Moses Burton, and Matthew Gaines (H, G/Civ);

(K) explain the role of African American institutions during Reconstruction, including Texas Freedom Colonies and the Freedmen's Bureau (H, G/Civ, Geo/C);

(L) explain how Reconstruction ended in Texas (H);

(M) describe the migration and settlement patterns in western Texas, including veterans and other Texans post-Civil War (H, G/Civ); and

(N) compare the Texas Constitution of 1876 with the United States Constitution, including protection of individual rights, limited executive authority, and emphasis on local control (H, G/Civ, S).

(10) Texas Immigration, Expansion, and Agriculture. The student understands the development of the frontier. The student is expected to:

(A) describe the role of individuals in shaping the United States American Indian policy after the Civil War, including Quanah Parker at the Treaty of Medicine Lodge Creek, William Tecumseh Sherman at the Salt Creek Prairie Massacre, and Ranald Mackenzie at the Red River War (H, G/Civ);

(B) identify African Americans, including Buffalo Soldiers and Britt Johnson, that helped to shape the Texas frontier (H, Geo/C); and

(C) explain how the systematic elimination of the bison (buffalo) by hunters in west Texas was used as a strategy to displace the American Indians from their lands and force them onto reservations (H, G/Civ, Geo/C).

(11) Texas Immigration, Expansion, and Agriculture. The student understands how industrialization transformed Texas's economy, labor systems, politics, and society. The student is expected to:

(A) describe how cotton production and the expansion of agriculture supported early industrial growth in Texas (H, Geo/C);

(B) describe how sharecropping developed in Texas and explain the effects on farmers and laborers (H, Geo/C, E);

(C) identify cattle drives and ranching operations, including the Espuela, King, and XIT ranches, that contributed to economic growth in Texas (H, E);

(D) explain how technological innovations, including barbed wire and windmills, transformed ranching practices and land use in Texas (H, E);

(E) explain the role of James "Jim" Hogg in the creation of the Texas Railroad Commission for regulating business and protecting farmers (H, G/Civ, E);

(F) identify the outcomes of major labor conflicts that resulted in mob violence and resistance to organized labor because of the belief in free enterprise in Texas, including the Great Southwest Railroad Strike, the Thurber Strike, and the Galveston Longshoremen's Strike (H, E);

(G) describe the effects of Plessy v. Ferguson and the rise of Jim Crow segregation on the social status of African Americans in Texas after Reconstruction (H, G/Civ, Geo/C, E, S); and

(H) identify immigration patterns to Texas during the late 19th and early 20th centuries, including Mexican, German, and Czech immigration (H, Geo/C).

(12) The Age of Oil. The student understands how petroleum, global markets, revolution, and world wars transformed Texas in the early and mid-20th century. The student is expected to:

(A) explain how Spindletop contributed to the oil boom, Texas oil and gas companies, and urbanization in Texas (H, E);

(B) identify oil boom advances that fueled Texas, including the discovery of the East Texas Field and the rotary drill bit (H, E);

(C) explain the effects of the free enterprise system on Midland and Houston, including changes in employment, population growth, and regional development (H, Geo/C, E);

(D) explain how oil production and transportation connected Texas to global markets through the Houston Ship Channel and its development after the Galveston Hurricane of 1900 (H, E);

(E) explain how the actions of Francisco "Pancho" Villa during the Mexican Revolution increased border tensions and violence affecting Texas, including cross border raid violence, and describe the United States military response in the Pershing Expedition (H); and

(F) explain Texas's role in World War I, including the significance of the Zimmermann Telegram, the contributions of Edward M. House, and oil production in supporting the Allied victory (H, E).

(13) Texas in the Great Depression and World War II. The student understands life in Texas during the Great Depression and the contribution of Texans to American victory in World War II. The student is expected to:

(A) describe the role of Dan Moody in political conflict and reform in Texas during the 1920s and 1930s, including prosecuting the Ku Klux Klan and opposing the Ferguson political machine, that led to transparency in government (H, Geo/C);

(B) explain the cause of the Dust Bowl in Texas and the United States, including poor land management, prolonged drought, and high winds (H, Geo/C);

(C) explain how government responses to economic hardship caused by the Dust Bowl expanded during the Great Depression, including the Agricultural Adjustment Administration (AAA), in Texas (H, G/Civ, E);

(D) describe the role of Jane Yelvington McCallum in women's suffrage which led to expanded voting rights in the 19th Amendment (H, G/Civ, Geo/C);

(E) explain the purpose of the Texas Centennial Exposition in shaping state identity and culture by uplifting peoples suffering during the Great Depression (H, Geo/C, E);

(F) identify the contributions of Texans in military leadership during World War II, including Chester Nimitz, Earl Rudder, Samuel Dealey, and Oveta Culp Hobby (H);

(G) identify the service of Texans in World War II, including the 36th and 90th Divisions and the Lost Battalion (H);

(H) describe the military contributions of Doris Miller and Audie Murphy and explain why they are considered to be American heroes (H);

(I) explain how the increased number of military bases and home-front industrial mobilization transformed Texas communities during World War II (H, Geo/C, E);

(J) describe the Bracero Program and explain how wartime labor needs reshaped agriculture and migration patterns in Texas (H, Geo/C);

(K) identify on a map World War II prisoner-of-war camps in Texas, including Hearne (H, Geo/C, S); and

(L) contrast the treatment and conditions of prisoners-of-war detained in Texas and the United States with the treatment of

prisoners-of-war detained in Germany and Japan in World War II (H, Geo/C, E).

(14) Texas in the 1950s and Civil Rights Era. The student understands how postwar change accelerated civil rights efforts, modernization, cultural identity, and demographic transformation in Texas. The student is expected to:

(A) explain how early labor and civil rights activism in Texas contributed to demands for equality reflecting broader struggles for civil rights in the United States, including the roles of the League of United Latin American Citizens (LULAC) and the G.I. Forum, during the Felix Longoria episode (H, Geo/C, E);

(B) identify the role of the National Association for the Advancement of Colored People (NAACP) and Lulu Belle Madison White in Sweatt v. Painter, which expanded equal rights (H, G/Civ, S);

(C) explain how Mexican Americans used court cases, including Delgado v. Bastrop ISD, to gain civil rights (H, G/Civ, S);

(D) explain how national civil rights milestones affected Texas, including the role of James L. Farmer, and how resistance to Brown v. Board of Education led to the Mansfield school incident (G/Civ);

(E) identify the key pillars of postwar modernization in Texas, including petroleum expansion, industrial growth, urbanization, and population increases (H, E);

(F) explain how popular culture shaped Texas's image, including tourism growth, Disney's interest in Texas, and John Wayne's The Alamo (Geo/C, E); and

(G) describe physical changes in Texas during the postwar period, including the construction of reservoirs, highways, and airports (H, Geo/C).

(15) Texas in the 1950s and Civil Rights Era. The student understands how Texas leaders and national events of the 1960s reshaped government, civil rights, culture, and politics in Texas. The student is expected to:

(A) identify major Great Society legislation of Lyndon Baines Johnson's presidency, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, the war on poverty, and the Clean Air Act (H, G/Civ);

(B) describe how the Cold War and the Space Race led to economic development in Texas, including National Aeronautics and Space Administration (NASA), Johnson Space Center, and the moon landing (H, G/Civ);

(C) explain how the career of Barbara Jordan demonstrates the expansion of equality in Texas and in national politics (H, G/Civ);

(D) identify societal changes in Texas during the 1960s, including the Astrodome, the Tower of the Americas, and the growth of professional sports and music scenes (Geo/C);

(E) explain how the Vietnam War affected Texas, including Vietnamese immigration to Texas to flee communism (H, Geo/C, E);

(F) identify Mexican civil rights movements in Texas during the 1960s, including the Chicano Movement and the fall of La Raza Unida because of corruption (H, Geo/C); and

(G) identify the significance of Texas's passage of the Equal Rights Amendment, including being the first state to ratify (H, G/Civ).

(16) Contemporary Texas. The student understands how energy, politics, culture, migration, and economic change shaped Texas from 1970s to the present and inform future trends. The student is expected to:

(A) explain how events in the Middle East led to economic growth in Texas, including the Yom Kippur War, that resulted in the oil embargo (H, E);

(B) identify Jack Kilby as a Texas innovator who invented the microchip (H, E);

(C) identify Larry McMurtry whose literature contributed to the projection of the Texas image nationally and globally (H, Geo/C);

(D) identify George H. W. Bush and George W. Bush as presidents from Texas (H, G/Civ);

(E) contrast the significance of Texas governors Ann Richards, who was an influential female politician, and Bill Clements, who was the first Republican governor since Reconstruction (H, G/Civ); and

(F) describe population growth and distribution in Texas, including the development of the Texas Triangle (Geo/C, E, S).

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 May 4, 2026.

TRD-202601892
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497



SUBCHAPTER C. HIGH SCHOOL

19 TAC §§113.24, 113.25, 113.27 - 113.29, 113.32 - 113.39

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Reg-

ular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.24. United States History Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. This course is recommended for students in Grade 11. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In United States History Studies, students examine United States as a nation that believes in freedom as a supreme value and that the Constitutional republican form of government established by the Constitution provides the intellectual and legal means to pursue and achieve the many reforms that have, over time and often with struggle, given the benefits of freedom to all Americans.

(A) United States History Studies builds on content introduced in earlier grades and deepens understanding of American identity. The course examines key events, ideas, and experiences that have shaped the nation and its people over time. Emphasis is placed on analyzing the historical development of a shared commitment to individual liberty, representative government, and the free enterprise system and on evaluating how these enduring values continue to influence American society.

(B) The course emphasizes major themes drawn from the knowledge and skills statements and student expectations that highlight defining moments in the development of the nation. Instruction focuses on the American Revolution and the United States Constitution as the founding of the nation; the Civil War as a defining test that strengthened national unity; participation in the First and Second World Wars that established the United States as a global power and tested national principles; the Cold War as a period that challenged national resolve; and the Civil Rights movements as evidence that the Constitution provides a durable framework for reform and the expansion of liberty.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) formulate compelling and supporting questions to frame historical inquiry about significant events, individuals, and developments in United States history (H, S);

(B) analyze primary and secondary sources by applying sourcing skills, including identifying the author's purpose, audience, historical situation, and point of view (H, S);

(C) contextualize primary and secondary sources by explaining the broader historical circumstances in which they were created and how those circumstances shaped their content (H, S);

(D) corroborate evidence across multiple primary and secondary sources to evaluate agreements, contradictions, and gaps in the historical record (H, S);

(E) evaluate the credibility, reliability, and limitations of primary and secondary sources, including digital sources, using criteria such as corroboration, authorship, and historical context (H, S);

(F) construct a written historical argument that states a defensible claim, supports it with evidence from multiple sources, and uses reasoning to connect evidence to the claim (H, G/Civ, S);

(G) interpret maps, charts, graphs, political cartoons, photographs, and other visual sources to draw and support historical conclusions (H, Geo/C, S);

(H) analyze cause-and-effect relationships among historical events, distinguishing between immediate causes and long-term contributing factors and evaluating the relative significance of each (H, S);

(I) analyze change and continuity over time by identifying patterns, turning points, and long-term consequences in United States history (H, S);

(J) apply chronological reasoning, including sequencing, periodization, and use of timelines, to understand the development of the United States over time (H, S); and

(K) engage in civil discourse about social studies topics, including those with multiple perspectives.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Exploration. The student understands reasons for European exploration and colonization in America. The student is expected to describe motivations for European exploration, including political, economic, and religious (G/Civ, Geo/C, E).

(2) Colonial Life and Government. The student understands English Colonial Life and Government in North America. The student is expected to:

(A) identify the significance of English legal traditions of common law and jury trial on colonial governments (G/Civ);

(B) identify that religious freedom was a motivation for the founding of several English colonies, including Massachusetts, Rhode Island, Pennsylvania, and Maryland (Geo/C);

(C) compare the purposes for settlement, economic activities, labor systems, religious foundations, and geography in the New England, Middle, and Southern colonies (Geo/C, E, S); and

(D) explain the significance of self-rule in the English colonies, including the Mayflower Compact, House of Burgesses, and Fundamental Orders of Connecticut, as early foundations of representative government in America (G/Civ).

(3) American Revolution. The student understands political, economic, and philosophical factors that contributed to the American Revolution. The student is expected to:

(A) analyze factors that contributed to the American Revolution, including the French and Indian War, Navigation Acts, Proclamation Line of 1763, tax acts, and the end of salutary neglect (H, G/Civ, E, S);

(B) explain American resistance to British political and economic policies following the French and Indian War, including protests against taxation without representation, the Boston Massacre, and the Boston Tea Party (H, G/Civ, E);

(C) explain the origins, meanings, and effects of the Declaration of Independence, including the idea that all people have rights and governments' power is limited to protect those rights (G/Civ);

(D) explain intellectual influences, including the Bible, Greek and Roman thought, English common law, First Great Awakening, and Enlightenment philosophy, on the American Revolution and the new American government (G/Civ);

(E) explain the role of John Locke, the Virginia Declaration of Rights, Thomas Paine's Common Sense, and the Black Robe Regiment as inspiration for the Declaration of Independence (G/Civ, S);

(F) describe Revolutionary War events, including Lexington and Concord, Trenton, Saratoga, Valley Forge, Yorktown, and Treaty of Paris (1783) (H);

(G) explain reasons for the American victory, including the geographic advantage of fighting on their own land, foreign allied intervention, other British war obligations, the belief in Providence, and rallying Americans around the idea of freedom (H, G/Civ, E); and

(H) identify the role of individual patriots during the Revolutionary Era, including George Washington, John Adams, and Thomas Jefferson (H).

(4) American Revolution. The student understands the Constitution and reasons for its adoption. The student is expected to:

(A) explain how the Articles of Confederation limited central government and how those limitations led to problems, including Shay's Rebellion (G/Civ);

(B) describe how the Northwest Ordinance (1787) addressed slavery and established a process for the creation of new states (H, G/Civ);

(C) analyze the Constitutional Convention, including the role of James Madison, The Great Compromise, rights of individuals and states, and three-fifths compromise (G/Civ, S);

(D) explain how the United States Constitution established America as a Constitutional Republic (G/Civ);

(E) explain debate over the ratification of the Constitution, including Federalist Papers 10 and 51 (G/Civ); and

(F) identify the rights protected in the Bill of Rights and explain how these rights addressed grievances in the Declaration of Independence (G/Civ).

(5) New Nation. The student understands the key events in the first five presidencies of the New Nation. The student is expected to:

(A) describe key developments in the new nation, including Washington's Farewell Address, Marbury v. Madison, the Louisiana Purchase, the Barbary Wars, the Prohibition on the Importation of Slaves, the Missouri Compromise, and the Monroe Doctrine (H, G/Civ, Geo/C); and

(B) explain the impact of the War of 1812 in confirming American independence (G/Civ).

(6) National Expansion and Reform. The student understands national expansion and reform. The student is expected to:

(A) describe the events of Andrew Jackson's presidency, including the Indian Removal Act, the Trail of Tears, the Nullification Crisis, and the elimination of property requirements to vote (H, G/Civ);

(B) describe Jacksonian Democracy as a political movement that emphasized the power and position of the common man (H, G/Civ);

(C) explain the causes and effects of westward expansion, including the Mexican American War and the expansion of slavery (H, Geo/C);

(D) explain the role of the Texas Revolution and the Battle of the Alamo in American western expansion and the admission of Texas to the United States (H, G/Civ, Geo/C);

(E) explain the religious influence of the Second Great Awakening on reform movements, including temperance, women's suffrage, and abolition (G/Civ);

(F) describe the early women's suffrage movement, including the 1848 Seneca Falls Convention, and key leaders, including Susan B. Anthony and Elizabeth Cady Stanton (H, G/Civ); and

(G) identify notable figures of the abolitionist movement, including William Lloyd Garrison, Fredrick Douglass, and Harriet Tubman (H, G/Civ).

(7) Sectionalism, Civil War, and Reconstruction. The student understands Antebellum economy, society, and culture. The student is expected to:

(A) describe the early Industrial Revolution, including the steam engine used on trains and boats, the Erie Canal, the telegraph, and the factory system in the north which increased the northern demand for cotton (Geo/C, E); and

(B) describe Southern slavery, including slave life on plantations and farms across the South, and explain the cotton gin and its effect on the economics of slavery and domestic slave trade (Geo/C, E).

(8) Sectionalism, Civil War, and Reconstruction. The student understands how sectional differences led to the Civil War. The student is expected to:

(A) compare the urban and industrial economy of the North to the rural and agricultural economy of the South (Geo/C, E, S);

(B) identify key developments leading to the Civil War, including Uncle Tom's Cabin, Kansas Nebraska Act, Dred Scott v. Sanford (1857), Lincoln-Douglas Debates (1858), and John Brown's raid (H, G/Civ, Geo/C); and

(C) explain the main causes of sectionalism and the Civil War, including the expansion of slavery, the Fugitive Slave Act in the Compromise of 1850, disagreements over states' rights, and tariffs (G/Civ, Geo/C, E, S).

(9) Sectionalism, Civil War, and Reconstruction. The student understands the course of events of the Civil War. The student is expected to:

(A) explain key Civil War events, including Fort Sumter, Antietam, Gettysburg, Vicksburg, Sherman's March to the Sea, Grant v. Lee in Virginia resulting in Appomattox Surrender, and Palmito Ranch (H, G/Civ, Geo/C);

(B) describe how both the Emancipation Proclamation and the Gettysburg Address reflect constitutional principles, including preservation of the Union, expansion of liberty, and that the government derives its authority from the people. (H, G/Civ);

(C) explain the advantages and disadvantages of both sides during the Civil War, including manufacturing, population, resources, raw materials, and military expertise (Geo/C, E);

(D) explain the significance of strategies of the Union and Confederacy, including the Anaconda Plan (Geo/C); and

(E) identify Galveston as the location of the Juneteenth announcement (H, Geo/C).

(10) Sectionalism, Civil War, and Reconstruction. The student understands the immediate effects of the Civil War during Reconstruction. The student is expected to:

(A) analyze major effects of the 13th, 14th, and 15th amendments in advancing equality in the United States (G/Civ);

(B) analyze how Lincoln's assassination altered the plans for Reconstruction, including the Ten Percent Plan (H, S);

(C) compare the Reconstruction plans of Johnson and Congress, including differences in how quickly Southern states should be readmitted and how the rights of formerly enslaved people should be protected (G/Civ, S);

(D) describe the Southern reactions to Reconstruction, including Black Codes, the Ku Klux Klan, sharecropping, and the election of African American men to political office (Geo/C, E); and

(E) summarize how the end of Reconstruction and the lack of enforcement of the 14th and 15th amendments led to Jim Crow segregation (G/Civ, S).

(11) The Rise of Industrial America. The student understands the domestic issues from the rise of industrial America, the Gilded Age, and the Progressive Era. The student is expected to:

(A) describe the role of the federal government in westward migration, including the Homestead Act, the Morrill Act, the Indian Wars, the Buffalo Soldiers, and the Dawes Act (H, G/Civ, Geo/C, E);

(B) describe the end of the open range, including the introduction of barbed wire in Texas (H, Geo/C, E);

(C) identify the role of key figures, including John D. Rockefeller, Andrew Carnegie, and Henry Ford, in the American free enterprise system that led to major economic changes during the later industrial revolution (H, E);

(D) explain how economic opportunity and the promise of freedom attracted immigrants to the United States in the late 19th and early 20th centuries and describe responses, including the Hull House and the Chinese Exclusion Act (H, G/Civ, Geo/C);

(E) explain the economic factors and working conditions that contributed to the origins of labor unions, including child labor (G/Civ, Geo/C, E);

(F) explain why farmers supported the Populist reform movement, including the formation of the Populist Party, as a response to political machines and monopolists (G/Civ, E);

(G) analyze the increasing role of the federal government in Gilded Age Reforms and Progressive policies, including Interstate Commerce Act and Sherman Anti-Trust Act (G/Civ, E, S); and

(H) describe the status of civil rights in American society after the Civil War, including Booker T. Washington, the National Association for the Advancement of Colored People (NAACP), and the Great Migration (G/Civ, E).

(12) Imperialism and World War I. The student understands the Age of Expansion and World War I contributing to America becoming a world power. The student is expected to:

(A) describe America's growing role in world affairs from the Civil War to 1914, including America's growing influence in Hawaii leading to annexation, the Open Door Policy, the Spanish-American War, and the Panama Canal (H, G/Civ, Geo/C, E);

(B) identify reasons for America's involvement in World War I, including imperialism, unrestricted submarine warfare, and Zimmermann Telegram (H, G/Civ, E); and

(C) explain America's role in bringing World War I to an end, including war bonds, the Selective Service Act, Pershing and the American Expeditionary Force, Harlem Hellfighters, Battle of Argonne Forest, and Alvin York (H, G/Civ, Geo/C, E).

(13) Interwar Period. The student understands the Interwar Period. The student is expected to:

(A) describe domestic issues between 1918 and 1929, including prohibition, the 19th amendment, eugenics, and the Red Scare (H, G/Civ, Geo/C);

(B) describe the influence of African American culture on mainstream American culture between 1914 and 1939, including the Harlem Renaissance (Geo/C);

(C) identify economic growth, community building, and self-governance of African Americans in the early 1900s, including the success of the Greenwood District, widely known as Black Wall Street (E, G/Civ);

(D) identify challenges of African Americans between 1914 and 1939, including the Ku Klux Klan, lynchings, and the Tulsa Race Riots (H, Geo/C, E);

(E) analyze how factors, including stock market crash, bank failures, monetary policy, tariffs, and the Dust Bowl, contributed to the onset and severity of the Great Depression, (H, E, S); and

(F) analyze the extent to which responses to the Great Depression, including the New Deal programs, alleviated economic hardship without fully ending the Depression (G/Civ, E, S).

(14) World War II. The student understands World War II. The student is expected to:

(A) identify the rise to power of dictators, including Hitler, Mussolini, Stalin, and Japanese military leaders (H, G/Civ);

(B) explain the United Kingdom's policy of appeasement under Prime Minister Neville Chamberlain and analyze the results of this policy (H);

(C) describe key events of early World War II in Europe, including the partition of Poland, the Invasion of the West, the Battle of Britain, and the Battle of the Atlantic (H, Geo/C);

(D) describe American neutrality, including isolationism, the special relationship between Churchill and Roosevelt, Lend Lease, and embargo on Japan (H, G/Civ, E);

(E) describe the contributions that the American homefront made to World War II, including manufacturing, labor migrations, rationing, the Manhattan Project, the Women Airforce Service Pilots (WASP), Rosie the Riveter, the Bracero Program, and Japanese internment (H, Geo/C, E);

(F) describe events and people in the war in Europe, including Eisenhower and D-Day, the Battle of the Bulge and Audie Murphy, Tuskegee airmen, the Holocaust and survivors, and the Fall of the Nazis (H, Geo/C); and

(G) describe events of the war and people in the Pacific, including Navajo Code Talkers, Midway, island hopping, and Iwo Jima, and explain the decision to drop the atomic bomb, including the goals of bringing a rapid end to the war and reducing additional casualties (H, Geo/C).

(15) Post-War United States. The student understands post war United States. The student is expected to:

(A) describe America's post war prosperity due to the free enterprise system, including the Baby boom, GI Bill, suburbs, and interstate highways from 1945 (H, G/Civ, Geo/C, E);

(B) compare and contrast communism and free enterprise, including property ownership, the role of government in the economy, and individual economic freedom (G/Civ, E, S);

(C) describe the role of the Soviet Union in spreading communism in Eastern Europe, Asia, and Latin America (H, Geo/C);

(D) explain key developments in the global fight against communism, including the Korean War, Cuban Missile Crisis, the Space Race, and the Vietnam War (H, G/Civ, Geo/C);

(E) explain domestic anticommunism movements, including the use of "under God" as a way to highlight America's moral and spiritual foundations distinguishing the United States from communist governments and the overreach of McCarthyism, as a way to protect American values and freedoms (G/Civ);

(F) explain key civil rights reforms, including Sweatt v. Painter, the Civil Rights Act, the Voting Rights Act, and Title IX (H, G/Civ);

(G) identify the significance of leaders in the Civil Rights movement, including Thurgood Marshall, who represented parents of school children in the case Brown v. Board of Education; Texan Barbara Jordan, who was the first African American congresswoman; and Hector P. Garcia, who was involved in the American GI Forum (H, G/Civ);

(H) identify the ideals of self-respect, self-determination, self-reliance, and cultural pride of African Americans during the Black Power movement (G/Civ, S);

(I) explain changes in American society in the 1960s and 1970s, including the Great Society, mass media, the loss of trust in government because of Watergate, and the oil embargo (G/Civ, Geo/C, E); and

(J) describe how Reagan's idea of "morning again in America" was exemplified through the release of the hostages in Iran, deregulation of the economy, and the fall of the Berlin Wall resulting in the end of the Cold War (H, G/Civ, Geo/C).

(16) The Modern Era. The student understands the modern era. The student is expected to:

(A) explain key events in the modern era, including the Gulf War, North American Free Trade Agreement (NAFTA), Clinton's impeachment, 2000 election, September 11, 2001, Afghanistan and Iraq wars, Great Recession, and Affordable Care Act (H, G/Civ, Geo/C, E);

(B) identify the election of Barack Obama in 2008 as a demonstration of equality under Constitutional rights (H, G/Civ); and

(C) describe the computer revolution, the cultural impact of the internet, and social media through 2016 (Geo/C).

§113.25. United States Government (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) In United States Government, the focus is on the principles and core ideas upon which the United States was founded on, including the structure, functions, and powers of government at the national, state, and local levels. Students learn major political ideas and forms of government in history. A significant focus of the course is on the founding documents, including the U.S. Constitution, its underlying principles and ideas, and the form of government it created. Students analyze major concepts of republicanism, federalism, checks and balances, separation of powers, popular sovereignty, and individual rights. Students analyze the impact of individuals, political parties, interest groups, and the media on the American political system, evaluate the importance of civic participation in a constitutional republic, and analyze the rights guaranteed by the U.S. Constitution. Students examine the relationship between governmental policies and the culture of the United States.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) explain governmental and democratic processes such as voting, due process, and caucuses using simulations and models (G/Civ, S);

(B) analyze primary documents, including founding documents, Supreme Court decisions, and legislative texts, to identify constitutional principles, author's purpose, and historical context (H, G/Civ, S);

(C) construct and defend an evidence-based argument supported with evidence and using reasoning to connect evidence to the claim (G/Civ, S);

(D) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S);

(E) evaluate the reliability, bias, and perspective of sources related to government and civic issues (G/Civ, S); and

(F) apply constitutional reasoning to analyze a public policy issue, identifying relevant constitutional principles, evaluating

competing perspectives, and proposing and justifying a solution (G/Civ, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Historical Roots and Founding Documents of the Constitutional Republic. The student understands different forms of government. The student is expected to:

(A) contrast different forms of government, including a republic, democracy, oligarchy, monarchy, theocracy, and dictatorship (G/Civ); and

(B) contrast communism, socialism, and capitalism (G/Civ).

(2) Historical Roots and Founding Documents of the Constitutional Republic. The student understands contributions to America's core ideals. The student is expected to:

(A) describe religion in relation to America's core ideals, including civic virtue, limited government, rule of law, and preservation of liberty (H, G/Civ); and

(B) explain colonial era ideas on self-government by analyzing consistent patterns over time, including the Mayflower Compact, Virginia House of Burgesses, and New England Town Meetings (H, G/Civ, S).

(3) Historical Roots and Founding Documents of the Constitutional Republic. The student understands civic virtue. The student is expected to:

(A) describe characteristics of civic virtue, including self-sacrifice, public service, civic responsibility, and public good over self-interest (G/Civ);

(B) describe the relationship between religion and civic virtue (G/Civ);

(C) evaluate Washington's Farewell Address 1796 as evidence of civic virtue by examining the author's purpose, audience, and message (H, G/Civ, S); and

(D) analyze Washington's Farewell Address 1796 for evidence of unity and patriotism (H, G/Civ, S).

(4) Historical Roots and Founding Documents of the Constitutional Republic. The student understands limited government. The student is expected to:

(A) identify characteristics of limited government, including constitutional constraints, separation of powers, popular sovereignty, and checks and balances (G/Civ); and

(B) evaluate foundational documents, including the Magna Carta, Declaration of Independence, U.S. Constitution, and Articles of Confederation, for evidence of limited government (H, G/Civ, S).

(5) Historical Roots and Founding Documents of the Constitutional Republic. The student understands the rule of law and preservation of liberty. The student is expected to analyze the relationship between the rule of law and preservation of liberty using reasoning skills, including sequencing and contextualization (G/Civ, S).

(6) Historical Roots and Founding Documents of the Constitutional Republic. The student understands events that led to the Constitution and the Bill of Rights. The student is expected to:

(A) explain the events that led to the writing of the Constitution and the Bill of Rights, including the Constitutional Convention and failures of the Articles of the Confederation (H, G/Civ); and

(B) explain the events that led to the ratification of the Constitution and the Bill of Rights, including the states' ratification debate, Three-Fifths Compromise and the Great Compromise (H, G/Civ).

(7) Historical Roots and Founding Documents of the Constitutional Republic. The student understands key events that led to the establishment of a secure republican order. The student is expected to evaluate the significance of the Election of 1800 as a key event, including the peaceful transfer of power, that led to the establishment of a secure republican order (H, G/Civ).

(8) Historical Roots and Founding Documents of the Constitutional Republic. The student understands the Declaration of Independence. The student is expected to:

(A) summarize the purpose of the Declaration of Independence as justification of separation from a tyrannical government (G/Civ, S);

(B) explain natural law and natural rights based on the writings of Locke and Blackstone (G/Civ);

(C) identify natural rights in the Declaration of Independence, including "the laws of nature and of nature's God" (G/Civ); and

(D) analyze the cause and effect relationship between grievances listed in the Declaration of Independence and protections established in the Constitution and Bill of Rights (G/Civ, S).

(9) Historical Roots and Founding Documents of the Constitutional Republic. The student understands the Articles of the Constitution. The student is expected to:

(A) describe the principles and the seven articles of the Constitution, including popular sovereignty, republicanism, federalism, separation of powers, checks and balances, limited government, and individual rights (G/Civ); and

(B) analyze how the principles of the Constitution are embedded within the seven articles of the Constitution (G/Civ).

(10) Historical Roots and Founding Documents of the Constitutional Republic. The student understands the Bill of Rights. The student is expected to evaluate the purpose of the Bill of Rights using civil discourse to engage in meaningful and respectful communication (G/Civ, S).

(11) Historical Roots and Founding Documents of the Constitutional Republic. The student understands perspectives from the Federalists and Anti-Federalists. The student is expected to:

(A) analyze arguments supporting the ratification of the Constitution in Federalist No. 10 on controlling factions, Federalist No. 51 on separation of powers and checks and balances, and Federalist No. 78 on the role of the independent judiciary (G/Civ, S); and

(B) identify arguments against the ratification of the Constitution within Brutus, including concerns about losing state sovereignty, a strong central government, limits on individual liberties, and the need for a bill of rights (G/Civ, S).

(12) American Political Culture. The student understands contributions to America's core ideals. The student is expected to analyze historical documents, including Alexis de Tocqueville's Democracy in America, Volume 1, Part 3, Chapters 4 and 10; Thomas Jefferson's Letter to the Danbury Baptists; Frederick Douglass' "What to the Slave is the Fourth of July?" and "What the Black Man Wants"; the First Lincoln-Douglas debate; Martin Luther King Jr.'s "I Have a Dream"; and Ronald Reagan's "A Time for Choosing," for evidence of the embodiment of America's core ideals (H, G/Civ, S).

(13) Three Branches of the Federal Government (Legislative, Executive, Judicial). The student understands the three branches of the Federal government. The student is expected to:

(A) describe the structure of the legislative branch and explain the functions of the legislative branch, including the necessary and proper clause (G/Civ);

(B) describe the structure of the executive branch and explain the functions of the executive branch, including the Take Care Clause and the role of executive orders (G/Civ);

(C) describe the structure of the judicial branch and explain the functions of the judicial branch, including Marbury v. Madison and the role of judicial review (G/Civ);

(D) compare responsibilities of the federal government (G/Civ);

(E) identify eligibility requirements for individuals holding Constitutional offices, including president, vice president, senators, representatives, cabinet members, and supreme court justices (G/Civ);

(F) explain delegation of powers and separation of powers in relation to the three branches of government (G/Civ); and

(G) explain how the Electoral College balances population influence by giving smaller states a stronger voice in presidential elections than a direct popular vote would provide and explain how electoral vote allocation determined the outcomes of the elections of 1824, 1876, 1888, 2000, and 2016 (H, G/Civ).

(14) Federalism. The student understands the characteristics of Federalism. The student is expected to:

(A) compare the types of republican governments, including unitary, confederal, and federal government (G/Civ);

(B) explain enumerated, reserved, and concurrent powers, and how McCulloch v. Maryland clarified the balance of federal and state power (H, G/Civ);

(C) explain the role of the Supremacy Clause in a federal system (G/Civ);

(D) explain the effects of the 17th amendment, including the direct election of Senators, on the federalist structure of government (H, G/Civ, S); and

(E) describe how conflicts and crises in United States history changed the balance of power in the federal system in between the state and national governments, including the Great Depression, the civil rights movement, and the Civil War (H, G/Civ, E).

(15) Federalism. The student understands Texas state and local governments compared to the United States government. The student is expected to:

(A) identify representatives and describe roles in the Texas executive branch (G/Civ, S);

(B) identify representatives and describe roles in the Texas legislative branch (G/Civ, S);

(C) identify representatives and describe roles in the Texas judicial branch (G/Civ, S);

(D) identify representatives and describe roles in the local government (G/Civ, S);

(E) identify eligibility requirements for individuals to hold public offices in Texas, including governor, lieutenant governor, senators, representatives, and Texas justices (G/Civ); and

(F) apply Robert's Rules of Order to a discussion to engage in meaningful and respectful communication (G/Civ, S).

(16) Civil Liberties and Civil Rights. The student understands the importance of civil liberties and civil rights. The student is expected to:

(A) identify civil liberties and civil rights protected in the Bill of Rights (G/Civ, S); and

(B) explain the role of the U.S. Supreme Court in interpreting rights guaranteed by the U.S. Constitution in cases, including Brown v. Board of Education of Topeka, Miranda v. Arizona, Dobbs v. Jackson's Women's Health Organization, Students for Fair Admissions v. Harvard, Pierce v. Society of Sisters, and Texas v. Johnson (H, G/Civ, Geo/C).

(17) Administrative State. The student understands the Administrative State. The student is expected to:

(A) describe the growth of the federal government (G/Civ, E);

(B) identify the purpose of selected independent federal executive agencies and regulatory commissions as prescribed by the Administrative Procedure Act of 1946 (H, G/Civ); and

(C) describe the growth of the Texas state government (G/Civ, E).

(18) Modern Campaigns, Elections, Media, Political Parties and Participation. The student understands the role of modern campaigns, elections, media, political parties and participation in United States Government. The student is expected to:

(A) explain the roles and responsibilities of citizens in United States elections (G/Civ);

(B) compare the two-party system and the role of third parties in the United States using historical data, maps, charts, or graphs to synthesize evidence and draw conclusions (H, G/Civ, Geo/C, S);

(C) explain how representative districts are crafted, including use of the census and the process of reapportionment using demographic patterns (G/Civ, Geo/C, S); and

(D) analyze the voting process and election laws in Texas using simulations of democratic processes, including voting, due process, and caucuses (H, G/Civ, S).

§113.27. World History Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Rooted in the Western tradition and reflected in core American values, the belief in the dignity, worth, and natural rights of each individual has inspired movements for freedom and self-government, standing in enduring contrast to totalitarian systems that place the power of the state above the liberty of the person. This course consists of a high-level overview of world history with a special emphasis on the western and American tradition often highlighting contrasting ideals and their impacts across time and place.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) formulate compelling and supporting questions to frame historical inquiry about significant events, individuals, and developments in World History (H, S);

(B) analyze primary and secondary sources by applying sourcing skills, including identifying the author's purpose, audience, historical situation, and point of view (H, S);

(C) contextualize primary and secondary sources by explaining the broader historical circumstances in which they were created and how those circumstances shaped their content (H, S);

(D) corroborate evidence across multiple primary and secondary sources to evaluate agreements, contradictions, and gaps in the historical record (H, S);

(E) evaluate the credibility, reliability, and limitations of primary and secondary sources, including digital sources, using criteria such as corroboration, authorship, and historical context (H, S);

(F) construct a written historical argument that states a defensible claim, supports it with evidence from multiple sources, and uses reasoning to connect evidence to the claim (H, G/Civ, S);

(G) interpret maps, charts, graphs, political cartoons, photographs, and other visual sources to draw and support historical conclusions (H, Geo/C, S);

(H) analyze cause-and-effect relationships among historical events, distinguishing between immediate causes and long-term

contributing factors and evaluating the relative significance of each (H, S);

(I) analyze change and continuity over time by identifying patterns, turning points, and long-term consequences in World History (H, S);

(J) apply chronological reasoning, including sequencing, periodization, and use of timelines, to understand the development of World History (H, S); and

(K) engage in civil discourse about social studies topics, including those with multiple perspectives.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Origins and Civilizations. The student understands the origins of humanity and the history of ancient civilizations. The student is expected to:

(A) identify characteristics of prehistory and history (H);

(B) describe how the Neolithic Revolution led to the development of agriculture, permanent settlements, and the growth of early civilizations (H, Geo/C, E);

(C) compare major characteristics of River Valley civilizations in Mesopotamia, Egypt, Indus Valley, China, and Mesoamerica (Geo/C); and

(D) define primary and secondary sources and geographic tools used by historians (S).

(2) Classical World and Foundational Ideas. The student understands roots of Western civilization in ancient Israel. The student is expected to:

(A) describe the historical development of ancient Israel, including the roots of Judaism, enslavement in Egypt and the Exodus story, the Decalogue, and the establishment of the kingdoms of Israel and Judah (H, G/Civ, Geo/C, E); and

(B) identify the contributions of ancient Hebrews, including monotheism, biblical text, moral and ethical teachings, which influenced the development of Western civilizations, including the United States (H, G/Civ, Geo/C).

(3) Classical World and Foundational Ideas. The student understands roots of Western civilization in ancient Greece. The student is expected to:

(A) explain how the physical geography of Greece influenced the development of Greek civilizations, including the Greek city-states (H, G/Civ, Geo/C, E);

(B) compare the foundational role of Athens and Sparta in the development of Western political thought, including government and democratic processes (H, G/Civ);

(C) describe the establishment of the Athenian empire as a result of the Persian War, including the battles of Marathon and Salamis (H);

(D) describe the role the Spartans played in the Persian War in the Battle of Thermopylae and the spread of Greek civilization through the Hellenistic empire (H);

(E) describe the Athenian and Spartan conflict known as the Peloponnesian War and how it led to the downfall of the Athenian empire (H);

(F) explain how Alexander the Great's conquest spread Hellenistic culture, including language (H);

(G) describe important contributions of Greek civilizations, including philosophy, science, mathematics, government, the arts, architecture, and history, to Western civilizations and the United States (H, G/Civ, Geo/C, S); and

(H) contrast ancient Greek political systems, including Athens and Sparta (H, G/Civ, Geo/C, S).

(4) Classical World and Foundational Ideas. The student understands roots of Western civilization in ancient Rome. The student is expected to:

(A) describe the development of Roman Empire, including the downfall of kings and the rise of the republic (H, G/Civ, Geo/C, E, S);

(B) explain the course of the Roman Empire, including the Punic Wars, civil wars, and Imperial Rome (H, G/Civ, Geo/C, E, S);

(C) assess the contributions of the Romans, including republicanism, Roman law, architecture, and transmission of Greek culture and arts, to Western civilizations and the United States (G/Civ, Geo/C);

(D) describe how the Roman Empire led to the Jewish Diaspora, including the destruction of Jerusalem, the destruction of the Second Temple, and the forced migration and scattering of Jewish communities across the Mediterranean region (H, Geo/C);

(E) explain the idea of self-governance found in ancient Roman texts which influenced the United States, including the inspiration of Cincinnatus to Washington, the structure of a republican government, and the influence of Cicero on the American founders (H, S); and

(F) analyze the probable causes for the fall of the Roman Empire, including rampant inflation and moral decay (H, G/Civ, Geo/C).

(5) Classical World and Foundational Ideas. The student understands roots of Western civilization in Christianity. The student is expected to:

(A) describe the origins of Christianity, foundational beliefs from the Old and New Testaments, including the influence on morality in the West, and early growth of Christianity (H, Geo/C);

(B) describe the persecution of Christians in the Roman Empire beginning with Nero and explain the effect of the legalization of Christianity, including the conquests of Emperor Constantine, The Edict of Milan, the debates in the First Council of Nicaea, and The Nicene Creed (H, G/Civ, Geo/C, S); and

(C) identify the contributions of Christianity to Western civilization and early America, including the Christianization of the Roman Empire and the universality of human dignity (H, G/Civ, Geo/C, E, S).

(6) Classical World and Foundational Ideas. The student understands ancient Indian civilization. The student is expected to:

(A) identify central religious texts of Hinduism, including the Vedas and Upanishads (Geo/C);

(B) describe significant beliefs of Buddhism, including the Four Noble Truths and the Eightfold Path (Geo/C); and

(C) explain important aspects of Indian history during the Mauryan Empire, including the importance of monsoon effects on trade and agriculture, and Gupta Empire, including Indian mathematics (H, G/Civ, Geo/C, E, S).

(7) Classical World and Foundational Ideas. The student understands ancient Chinese civilization. The student is expected to:

(A) identify that Confucian beliefs are found in the Analects (Geo/C);

(B) describe important political, economic, and cultural aspects of the Qin, Han, and Tang Dynasties, including the conquest of Southern China, the spread of Buddhism along the Silk Road, and the inventions of the compass, gunpowder, and paper (Geo/C, S);

(C) describe the diffusion of Buddhism, including trade along the Silk Road (Geo/C); and

(D) explain how the compass, gunpowder, and printing transformed societies (H, Geo/C, E).

(8) Faith, Empires, and Medieval Transformations. The student understands the Early Middle Ages from 476-1000. The student is expected to:

(A) explain the contributions of the Byzantine Empire, including the preservation of ancient Greek and Roman texts, The Code of Justinian, and Hagia Sophia (H, G/Civ, Geo/C);

(B) describe the influence of Christianity in medieval society, including monasticism, missionary activity, hospitals, and orphanages (H, Geo/C);

(C) describe developments in the Latin West, including Christian and Islamic conflicts, the rise of the Holy Roman Empire, Anglo-Saxon England, and the Viking Era (H, G/Civ, Geo/C, E);

(D) identify that beliefs of Islam are found in the Qur'an (Geo/C);

(E) describe the teachings of jihad and how these teachings led to the expansion of Islam and the conquest of Christian lands (H, G/Civ, Geo/C, E);

(F) explain the practice of slavery, the origin of the word "slave" from Viking enslavement of the Slavs, and the enslavement and slave trade carried out by Viking and Muslim raiders (H, G/Civ, Geo/C, E); and

(G) explain the interactions of Islam with Europe in the Middle Ages, including the Battle of the Tours (H, S).

(9) Faith, Empires, and Medieval Transformations. The student understands the High Middle Ages from 1000-1300. The student is expected to:

(A) describe the developments of Medieval Europe, including the rise of feudalism and the Norman Conquest (H, G/Civ, Geo/C, E);

(B) describe conflicts involving Europe, including Christian efforts to reclaim lands conquered by Muslim powers through the Christians' Crusades and The Reconquista (H);

(C) explain developments of Western civilization, including The Great Schism of 1054, Roman and canon law, Romanesque and Gothic architecture, and the creation of universities (H, G/Civ, Geo/C);

(D) describe developments, including windmills, watermills, armored knights, and crossbows (H, G/Civ, Geo/C, E); and

(E) compare European and Japanese feudalism, including knights and samurai (H, G/Civ, Geo/C, E, S).

(10) Faith, Empires, and Medieval Transformations. The student understands the Late Middle Ages from 1300-1450. The student is expected to:

(A) analyze developments in medieval English legal history, including common law, Parliament, habeas corpus, and private property rights (H, G/Civ, S);

(B) describe social developments, including Babylonian Captivity of the Papacy and Black Death, and military developments during the Hundred Years' War, including disciplined infantry, gunpowder, and cannon (H, G/Civ, Geo/C, E, S);

(C) explain the decline of Byzantium in the 14th and 15th centuries, including the rise of the Ottoman Empire and Islamic slave trade and the capture of Constantinople in 1453 (H, G/Civ, Geo/C, E); and

(D) analyze the influence of the Magna Carta on Western civilization, including the rights of citizens (H, G/Civ, Geo/C, S).

(11) Faith, Empires, and Medieval Transformations. The student understands Indian and Chinese civilizations from 1000-1700. The student is expected to:

(A) describe key aspects of Indian history, including the centralized power and absolute monarchical rule of the Mughal Empire and the building of the Taj Mahal (H, G/Civ, Geo/C);

(B) describe cultural developments, including the Song Dynasty and Neo-Confucianism, and economic developments, including printed money and the Silk Road, in Chinese history (H, G/Civ, Geo/C, E); and

(C) describe how the Mongol Conquest unified China (H, G/Civ, Geo/C, E).

(12) Renaissance to Global Interaction. Renaissance and the Reformation. The student understands the influence of the Renaissance on Western civilization. The student is expected to:

(A) identify characteristics in the development of the Renaissance through the arts, architecture, and The Gutenberg Press, and explain how this led to the expansion of knowledge (H, Geo/C);

(B) describe the Renaissance as a restoration of classical Greek and Roman ideas of liberty, self-government, and art (H, G/Civ, Geo/C);

(C) explain that the Renaissance focused on the value of the individual and that this core characteristic influenced American founders' ideas about rights and government (H, G/Civ, Geo/C);

(D) identify the origins of the Protestant Reformation, including the 95 Theses, and effects of the Protestant Reformation, including the Catholic Counter Reformation (H, Geo/C, S);

(E) describe how the conflict between Protestant and Catholics weakened the influence of the Catholic church, including The Great Peasants' War, The French Wars of Religion, and the Thirty Years War (H, G/Civ, Geo/C, E, S); and

(F) identify Renaissance elements in art, including The Duomo, The Mona Lisa, The Pieta, and The School of Athens using pictures (H, G/Civ, Geo/C, E, S).

(13) Renaissance to Global Interaction. The student understands the Scientific Revolution and Enlightenment. The student is expected to:

(A) describe innovations of the Scientific Revolution, including the heliocentric model, laws of motion and gravitation, the scientific method, and calculus (H, Geo/C); and

(B) explain key ideas and philosophies of the Enlightenment, including primacy of reason over superstition and natural rights, and describe the impact on political thoughts (H, G/Civ, Geo/C, E).

(14) Renaissance to Global Interaction. The student understands political developments in Europe from 1500-1800. The student is expected to:

(A) describe the consolidation of nation-states ruled by European monarchs (H, G/Civ, Geo/C, E);

(B) compare the rise of the Russian Empire to other European monarchies, including Westernization (H, G/Civ, Geo/C, E); and

(C) describe the causes, key events, and consequences of the rise of English liberty, including the English Civil War, Glorious Revolution, and English Bill of Rights which later influenced the United States (H, G/Civ, Geo/C, S).

(15) American Civilizations and European Conflicts. The student understands Pre-Columbian civilizations and empires in the Americas. The student is expected to:

(A) identify key features of Pre-Columbian civilizations, including Aztec tribute systems, human sacrifice and cannibalism rituals, and city-states; Incan road networks and centralized rule; and Taíno village life and trade in the Caribbean (H, G/Civ, Geo/C, E, S); and

(B) analyze the impact of geography on Pre-Columbian civilizations (H, Geo/C, E, S).

(16) American Civilizations and European Conflicts. The student understands European expansion from 1500-1800. The student is expected to:

(A) compare the causes of European exploration of the Americas by Spain, England, France, and Portugal (H, G/Civ, Geo/C, E);

(B) locate and describe European expansion in the Americas, including the North American colonies (Geo/C, E, S);

(C) compare the effects of European expansion of empires in the Americas, including imperial competition over land and resources, conflicts with native peoples, and mixing of cultures (H, G/Civ, Geo/C, E, S);

(D) describe the causal reasons that led slavery to emerge as a global institution, from warfare, raids, and participation in regional slave trading networks within African societies to the Mediterranean in relation to the Barbary Pirates, and to the Americas, including the Atlantic Slave Trade (H, G/Civ, Geo/C, E); and

(E) describe indentured servitude and slavery as practiced in the Americas by American Indians and Europeans (H, G/Civ, Geo/C, E).

(17) Revolution, Industry, Empire, and the Rise of Liberty. The student understands revolution, industry, empire, and the rise of liberty. The student is expected to:

(A) describe how the ideals of the Enlightenment were used to justify American Independence, the French Revolution, and Latin American independence movements (H, G/Civ, Geo/C, E, S);

(B) explain the events of the French Revolution, including the storming of the Bastille, the dissolution of the Catholic Church, and the execution of Louis XIV (H, G/Civ, Geo/C, E);

(C) explain the Napoleonic Wars and the effects of the Napoleonic Wars on the Americas, including the weakening of Spanish and French colonial control, the encouragement of independence movements in Haiti and Mexico, and territorial expansion of the United States through the Louisiana Purchase (H, G/Civ, Geo/C, E); and

(D) explain how the universality of natural rights expressed in the Declaration of Independence contrasted with the French Revolution's periods of disregard for the rights and dignity of the individual, including political violence during the Reign of Terror and the rise of Napoleon (H, G/Civ, E, S).

(18) Revolution, Industry, Empire, and the Rise of Liberty. The student understands the Industrial Revolution and social, economic, and political change from 1800-1914. The student is expected to:

(A) explain the development of the Industrial Revolution, including factories, new energy sources, and urbanization (H, G/Civ, Geo/C, E);

(B) explain free enterprise ideals, including division of labor, the Invisible Hand, and self-interest which influenced the Industrial Revolution as noted by Adam Smith in "An Inquiry into the Nature and Causes of the Wealth of Nations" (H, G/Civ, Geo/C, E, S);

(C) explain the foundation of communist and socialist ideology in The Communist Manifesto, including class struggle, the bourgeois and the proletariat, and the abolition of private property (H, G/Civ, Geo/C, E, S); and

(D) compare the ideology of communism to the United States's founding principles of individual rights, merit-based advancement, and free enterprise (G/Civ, Geo/C, E, S).

(19) Revolution, Industry, Empire, and the Rise of Liberty. The student understands changing political and cultural characteristics of 19th century Europe. The student is expected to:

(A) describe political changes in 19th century England, including suffrage reform and democratization (H, G/Civ, Geo/C, S);

(B) describe 19th century France, including cycles between empire and republics (H, G/Civ, S);

(C) explain how nationalism and the unifications of Italy and Germany led to a power shift in Europe (H, G/Civ, Geo/C);

(D) explain the causes, including the need to modernize due to military weakness and economic backwardness compared to Western Europe, and consequences, including serf emancipation in 1861 and the growth of revolutionary movements, of Russia's partially successful 19th century reforms (H, G/Civ, Geo/C, E); and

(E) describe changing European culture in the 19th century, including nationalism, Romanticism, secularism, and the Catholic response to Liberalism (H, G/Civ, Geo/C, S).

(20) Revolution, Industry, Empire, and the Rise of Liberty. The student understands European imperial expansion. The student is expected to:

(A) explain 19th century developments in Latin America, including the Napoleonic invasion of Spain and Independence of the Latin American republics (H, G/Civ, Geo/C, E);

(B) explain the height of British imperialism, including the Apogee of British Raj (H, G/Civ, Geo/C, E);

(C) locate and describe imperial expansion in 19th-century Asia and Oceania (H, G/Civ, Geo/C, E, S);

(D) explain the causes and effects of imperial expansion in 19th-century Africa, including the Berlin Conference (H, G/Civ, Geo/C, E); and

(E) describe European competition in the late 19th century during the Scramble for Africa and Sphere of Influence in Asia (H, G/Civ, Geo/C, E, S).

(21) World Wars and Global Crisis. The student understands World War I (WWI). The student is expected to:

(A) explain the causes of WWI, including imperial competition, alliances, nationalism, and militarism (H, G/Civ, E, S);

(B) identify key events on the western front and describe innovations, including trench warfare and improvements in battlefield trauma care during WWI (H, G/Civ, Geo/C, E, S);

(C) explain results of WWI, including the Treaty of Versailles, Sykes-Picot Agreement, changes in territory, and Remembrance days (H, G/Civ, Geo/C, E, S);

(D) explain how poverty, war, and food shortages led to the Russian Revolution, including the Bolshevik elimination of the monarchy (H, G/Civ, Geo/C, E); and

(E) use maps to explain territorial changes because of WWI, including Europe, the Middle East, and Africa (H, G/Civ, Geo/C, S).

(22) World Wars and Global Crisis. The student understands the interwar global crisis in Western Europe. The student is expected to:

(A) describe the creation of the League of Nations at the close of WWI and explain its ineffectiveness in addressing the encroachments of Italy, Germany, and Japan due to lack of enforcement authority which contributed to World War II (WWII);

(B) compare the global depression of the 1930s in the United States and Germany, including how economic hardship led to the New Deal in the United States while instability stemming from World War I led to the rise of the Nazi Party in Germany (H, G/Civ, Geo/C, E, S);

(C) compare the rise of authoritarianism and totalitarianism, including fascism and Nazism in Europe (H, G/Civ, Geo/C, E, S);

(D) describe actions of the Soviet Union to 1945, including collectivization, the Holodomor, and Stalin's Great Terror (H, G/Civ, Geo/C, E); and

(E) describe how fascism, Nazism, and communism used propaganda, public shaming, censorship, and forced conformity to maintain control (H, G/Civ, Geo/C, E, S).

(23) World Wars and Global Crisis. The student understands India and China from 1900-1945. The student is expected to:

(A) describe characteristics of Indian nationalism, including the Congress Party and All-India Muslim League (H, G/Civ, Geo/C); and

(B) explain the conflict in China between Nationalists and the Chinese Communist Party and consequences of the conflict (H, G/Civ, Geo/C, E).

(24) World Wars and Global Crisis. The student understands WWII. The student is expected to:

(A) explain the causes of WWII, including unresolved issues from the Treaty of Versailles, the rise of totalitarian regimes, and economic depression, and the specific causes for the U.S. entry into the war (H, G/Civ, Geo/C, E);

(B) identify key events, including the invasion of Poland, D-Day, and the dropping of the atomic bomb on Hiroshima and Nagasaki, and describe innovations, including radar and blood banks during WWII (H, G/Civ, Geo/C); and

(C) explain the causes and consequences of the Holocaust, including Nazi genocide of the Jews and the creation of the modern state of Israel (H, G/Civ, Geo/C).

(25) The Cold War, Decolonization, and Global Institutions. The student understands Europe from 1945-1991. The student is expected to:

(A) describe key events of the Cold War, including the Iron Curtain, the proxy wars, and the Arms and Space Race (H, G/Civ, Geo/C);

(B) describe Western Europe's postwar history, including the Truman Doctrine, the Marshall Plan, American-led free trade system, and the creation of international organizations, including the United Nations, North Atlantic Treaty Organization (NATO), and the European Union (H, G/Civ, Geo/C, E, S);

(C) explain the key causes of the Soviet Union's decay, including glasnost and perestroika (H, G/Civ, Geo/C, E);

(D) explain the final collapse of the Soviet empire after the fall of the Berlin Wall (H, G/Civ, Geo/C, E); and

(E) contrast the outcomes of the Soviet Cold War with the United States, including views on the dignity of the individual to the state (H, G/Civ, Geo/C, E, S).

(26) The Cold War, Decolonization, and Global Institutions. The student understands world events and developments from 1945-1991. The student is expected to:

(A) explain the history of the Communist Regime in China, including the Communist Revolution in 1949, the Great Leap Forward, mass famine, the Cultural Revolution, and labor camps (H, G/Civ, Geo/C, E);

(B) explain how the relationship between postwar Japan and the United States led to rapid technological and economic growth in Japan (H, G/Civ, Geo/C, E);

(C) describe the course of the Korean Conflict, including the alliances of each side, the involvement of the United Nations and the United States to end the conflict, allegations of war crimes, and signing of the Korean Armistice Agreement, which resulted in the creation and maintenance of the Demilitarized Zone (DMZ) (H);

(D) explain the history of India and Pakistan, including the end of the British Raj and the Partition of India (H, G/Civ, Geo/C, E);

(E) explain the rise of communism through guerrilla warfare in Latin America, including Cuba and Nicaragua (H, G/Civ, Geo/C, E);

(F) explain communism in Southeast Asia and its consequences, including Vietnam and the Khmer Rouge in Cambodia (H, G/Civ, Geo/C, E); and

(G) explain the political developments in Africa, including the consequences of decolonization and the fall of apartheid in South Africa (H, G/Civ, Geo/C, E).

(27) Terrorism and Globalization. The student understands world history since the fall of the Soviet Union to 2016. The student is expected to:

(A) identify the rise of world powers after the fall of the Soviet Union, including People's Republic of China and the Russian Federation, and their competition with the United States (H, G/Civ, Geo/C, E);

(B) explain reasons for continuing tensions between North and South Korea and describe allegations of human rights abuses in North Korea, including labor camps;

(C) explain developments in China and Russia since 1991, including the Tiananmen Square Massacre, that contributed to their rivalry as a world power (H, G/Civ, Geo/C, E);

(D) explain the rise of radical Islam, including Iranian proxies, terrorism, Al Qaeda, September 11, 2001, and Islamic State of Iraq and Syria (ISIS) (H, G/Civ, Geo/C);

(E) explain America's response to the September 11, 2001, terrorist attack, including the wars in Iraq and Afghanistan, the Patriot Act, and the Department of Homeland Security (H, G/Civ, Geo/C, S); and

(F) analyze the impact of globalization since 1991, including the opening of new economic markets and the advent of the internet (H, G/Civ, Geo/C, E, S).

§113.28. World Geography Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In World Geography Studies, students examine people, places, and environments at local, regional, national, and international scales from the spatial perspectives of geography. Students describe the influence of geography on events of the past and present. The course includes nine geographic regions that are examined through several thematic lenses such as: the physical processes that shape patterns in the physical environment; the characteristics of major landforms and climates; population geography and human-environment interaction; the political, economic, and social processes that shape cultural patterns of regions; types and patterns of settlement; the distribution and movement of the world population; relationships among people, places, and environments; and the concept of region. Students analyze how location affects economic activities in different economic systems. Students identify the processes that influence political divisions of the planet and analyze how different points of view affect the development of public policies. Students compare how components of culture shape the characteristics of regions and analyze the impact of technology and human modifications on the physical environment.

(A) To support the teaching of the essential knowledge and skills, the use of a variety of rich primary and secondary source material such as contemporary and historic maps of various types, satellite-produced images, photographs, graphs, map sketches, and diagrams, is encouraged.

(B) The course is structured around the application of two broadly applicable knowledge and skills statements that are applied to all regions, as appropriate. The first statement requires students to think like geographers by applying geographic tools and analytical skills to understand the world and interpret spatial patterns. The second statement builds on these skills by using geographic tools and reasoning to examine world regions through a comparative lens. Specific geographic content is embedded within the key topics for each of the nine regions.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) formulate geographic inquiry questions, including: Where is it located? Why is it there? What are its physical and human characteristics? How does it interact with other places? How has it changed over time? (Geo/C, S);

(B) apply spatial thinking to analyze how the location, distribution, and movement of people, places, and phenomena create patterns and relationships across Earth's surface (Geo/C, S);

(C) select and use appropriate geographic tools, including reference maps, thematic maps, Geographic Information Systems (GIS), satellite imagery, population pyramids, and demographic models, to collect, analyze, and interpret spatial data (Geo/C, S);

(D) evaluate geographic sources for perspective, purpose, and limitation, including analyzing how map projections, data selection, and cartographic choices reflect the values and decisions of their creators (Geo/C, S);

(E) explain spatial patterns of movement, including the diffusion of ideas, goods, and populations, by applying geographic concepts such as push-pull factors, cultural hearths, and globalization (H, Geo/C, E, S);

(F) construct a written geographic argument that states a defensible claim about a geography topic and uses geographic reasoning to connect evidence to the claim (Geo/C, S);

(G) apply the concept of scale, including local, regional, national, and global, to analyze how geographic phenomena and relationships operate differently at different levels and how changes at one scale affect others (G/Civ, Geo/C, E, S); and

(H) apply civil discourse to engage in meaningful and respectful communication about geographic issues and regional perspectives (G/Civ, Geo/C, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Major Themes in World Geography. The student applies geographic thinking skills to think like a geographer. The student is expected to:

(A) explain the historical development of geographic tools, including reference maps, thematic maps, and map projections (H, Geo/C);

(B) explain how reference and thematic maps reflect choices, limitations, and biases in geographic representation, including distortions introduced by the Mercator projections (H, Geo/C);

(C) use geography tools to analyze geographic relationships, including cartography; Geographic Information Systems (GIS); Global Positioning Systems (GPS); and data visualizations (Geo/C, S);

(D) develop and use mental maps to understand relative location, spatial patterns, processes, and relationships at various scales (Geo/C, S); and

(E) explain the purposes of regionalization (Geo/C).

(2) Major Themes in World Geography. The student uses geographic thinking skills to compare regions. The student is expected to:

(A) interpret demographic data, including birth and death rates, fertility, life expectancy and population density patterns, to understand population characteristics (Geo/C, S);

(B) use the demographic transition model, population pyramids, and dependency ratios to predict future population trends of different societies (Geo/C, S);

(C) compare how people depend on, adapt to, and modify their environment using geography tools (Geo/C, S);

(D) compare levels of development and standard of living in a variety of places using Gross Domestic Product (GDP) and literacy rates (Geo/C, S);

(E) define and describe the components of culture, including identity, language, faith-based systems, shared practices, material goods (Geo/C);

(F) describe central ideas of religions or philosophies, including Christianity, Judaism, Buddhism, Hinduism, Islam, Sikhism, Confucianism, and Daoism (Geo/C);

(G) compare government systems along the political spectrum between limited and unlimited systems, including democracy, dictatorship, monarchy, republic, theocracy, authoritarian, and totalitarian (G/Civ);

(H) describe how Earth-Sun relationships and elevation impact the spatial distribution of climates or biomes (Geo/C); and

(I) describe patterns of culture, including language, religion, land use, education, and customs (Geo/C).

(3) United States and Canada, including Texas. The student understands the physical geography of the United States and Canada, including Texas. The student is expected to:

(A) describe how Earth-Sun relationships impact weather conditions, including tornadoes and hurricanes (Geo/C); and

(B) identify major landforms, including the Rocky Mountains, Appalachian Mountains, Great Plains, Great Lakes, Rio Grande River, and Mississippi River (Geo/C).

(4) United States and Canada, including Texas. The student understands population geography of the United States and Canada, including Texas. The student is expected to:

(A) describe features, including coastlines, rivers, and highway systems, that influence the size and distribution of settlements (H, Geo/C); and

(B) analyze push and pull forces that affect human migration patterns, including the Texas oil boom, the Great Migration, and the Dust Bowl (H, Geo/C).

(5) United States and Canada, including Texas. The student understands the human-environment interaction of the United States and Canada, including Texas. The student is expected to:

(A) analyze the benefits and consequences of human-environment interactions, including commercial agriculture and use of natural resources (H, Geo/C);

(B) explain how places plan for, mitigate, and respond to natural hazards using seawalls, including the Galveston seawall (H, G/Civ, E); and

(C) explain how places plan for, mitigate, and respond to natural hazards using the National Weather Service (H, G/Civ, E).

(6) United States and Canada, including Texas. The student understands the economic geography of the United States and Canada, including Texas. The student is expected to:

(A) evaluate the economic advantages and disadvantages of globalization related to economic practices or systems, including outsourcing, free trade zones, and supply chains (G/Civ, E); and

(B) explain how climate, resources, infrastructure, and factors of production affect the spatial patterns of economic activities (Geo/C, E).

(7) United States and Canada, including Texas. The student understands the cultural geography of the United States and Canada, including Texas. The student is expected to:

(A) explain cultural convergence and divergence caused by migration, trade, innovations, and diffusion (Geo/C, E); and

(B) analyze visual sources to identify components of cultural landscape, including architecture, land use, signage, public art, monuments, and place names (Geo/C).

(8) United States and Canada, including Texas. The student understands the political geography of the United States and Canada, including Texas. The student is expected to:

(A) explain the role of international and internal boundaries of spatial organization of states, including control of territory and resources (Geo/C);

(B) explain the advantages and disadvantages of participation by sovereign states in international organizations, including the United Nations and the North Atlantic Treaty Organization (NATO) (G/Civ); and

(C) explain how political power is distributed at various scales through systems of governance, including federalism in the United States (G/Civ).

(9) Latin America. The student understands the physical geography and human environment interaction of Latin America. The student is expected to:

(A) identify major landforms, including the Andes Mountains and the Amazon River Basin (Geo/C);

(B) analyze the benefits and consequences of human-environment interactions, including commercial agriculture, deforestation, and the use of natural resources (Geo/C, E); and

(C) describe how places in Latin America plan for, mitigate, and respond to natural hazards, including flooding and earthquakes (H, G/Civ, E).

(10) Latin America. The student understands the population geography of Latin America. The student is expected to:

(A) describe how government policies influence the size and distribution of settlements in Latin America (G/Civ, Geo/C);

(B) describe how physical features, including mountains and rainforests, influence the size and distribution of settlements in Latin America (G/Civ, Geo/C);

(C) explain how the Incan Road system and chinampas influenced patterns of human settlement in Latin America (H, Geo/C); and

(D) analyze push and pull forces that affect human migration patterns, including economic and safety conditions (G/Civ, E).

(11) Latin America. The student understands the political geography of Latin America. The student is expected to:

(A) explain advantages and disadvantages of the participation by sovereign states in regional and international organizations, including the Organization of American States and the Inter-American Development Bank (G/Civ); and

(B) compare how political power is distributed in various countries, including Mexico, Cuba, and the United States (G/Civ).

(12) Latin America. The student understands the cultural geography of Latin America. The student is expected to:

(A) explain cultural convergence caused by innovations, including communication technology (Geo/C, E);

(B) explain cultural divergence within communities in Latin America, including the Nahuatl, Quechua, and Mayan (H, Geo/C); and

(C) analyze visual sources to identify components of cultural landscape, including Incan architecture, Meso-American pyramids, and favelas (H, Geo/C).

(13) Sub-Saharan Africa. The student understands the physical geography and human environment interaction of Sub-Saharan Africa. The student is expected to:

(A) describe how Earth-Sun relationships impact weather conditions in Sub-Saharan Africa, including wet and dry seasonality (Geo/C);

(B) identify major landforms and biomes, including the Congo River, the Sahel, and the Kalahari Desert, Mount Kilimanjaro, and the Great Rift Valley (Geo/C);

(C) analyze the benefits and consequences of human-environment interactions associated with agriculture, deforestation, and commercial mining (Geo/C, E); and

(D) describe how places plan for, mitigate, and respond to natural hazards, including flooding and drought (H, G/Civ, E).

(14) Sub-Saharan Africa. The student understands the population geography of Sub-Saharan Africa. The student is expected to:

(A) describe factors that influence the size and distribution of settlements, including industrial development, historical colonial infrastructure, and habitable land (H, G/Civ, Geo/C);

(B) analyze the causes and effects voluntary migration in Sub-Saharan Africa, including economic opportunities (H, Geo/C); and

(C) analyze the causes and effects of forced migration in Sub-Saharan Africa, including the Rwandan Genocide, conflict in the eastern Democratic Republic of the Congo, and conflict in Sudan (H, Geo/C).

(15) Sub-Saharan Africa. The student understands the economic and political geography of Sub-Saharan Africa. The student is expected to:

(A) analyze the shift from primary or secondary economic activities to tertiary or quaternary economic activities in Sub-Saharan Africa (H, E);

(B) explain advantages and disadvantages of the participation by sovereign states, in the African Union, The Economic Community of West African States, and the Southern African Development Community (G/Civ, E); and

(C) compare how political power is distributed in various Sub-Saharan countries (H, G/Civ).

(16) Sub-Saharan Africa. The student understands the cultural geography of Sub-Saharan Africa. The student is expected to:

(A) explain cultural convergence in Sub-Saharan Africa, including religious syncretism and the Swahili language (H, Geo/C);

(B) explain the cultural divergence caused by colonial borders in Sub-Saharan Africa (H, Geo/C); and

(C) analyze visual sources to identify components of cultural landscape, including architecture and place names in Sub-Saharan Africa (H, Geo/C).

(17) Southwest Asia and North Africa. The student understands the physical geography and human environment interaction of Southwest Asia and North Africa. The student is expected to:

(A) describe how Earth-Sun relationships impact weather conditions in Southwest Asia or North Africa, including extreme heat and haboobs (Geo/C);

(B) identify major landforms, including the Sahara Desert, the Nile River, the Red Sea, the Arabian Desert, and the Persian Gulf (Geo/C); and

(C) analyze the benefits and consequences of human-environment interactions in Southwest Asia or North Africa, including urban development, water management, and oil extraction (Geo/C, E).

(18) Southwest Asia and North Africa. The student understands the population geography of Southwest Asia and North Africa. The student is expected to:

(A) describe features, including water availability, historical trade routes, and religious significance, that influence the size and distribution of settlements in Southwest Asia or North Africa (H, G/Civ, Geo/C);

(B) analyze push or pull forces that affect human migration patterns, including economic opportunity, religion, and conflict, (G/Civ, E); and

(C) explain how physical geography affects the flows of human migration, including the Silk Road and Trans-Saharan Trade (H, Geo/C).

(19) Southwest Asia and North Africa. The student understands the economic and political geography of Southwest Asia and North Africa. The student is expected to:

(A) classify economic activities of Southwest Asia and North Africa as identify the primary, secondary, tertiary, or quaternary, including oil extraction, tourism, and technology (E);

(B) explain advantages and disadvantages of the participation by sovereign states in international organizations, including the Organization of Petroleum Exporting Countries and the Gulf Cooperation Council (G/Civ, E); and

(C) compare how political power is distributed in various Southwest Asia and North African countries, including Saudi Arabia and the United Arab Emirates (G/Civ).

(20) Southwest Asia and North Africa. The student understands the cultural geography of Southwest Asia and North Africa. The student is expected to:

(A) explain the cultural convergence in Southwest Asia or North Africa caused by trade, including technology, religion, and language (H, Geo/C);

(B) explain the cultural divergence caused by trade, including religion (H, Geo/C); and

(C) analyze visual sources to identify components of the cultural landscape, including religious architecture represented by the Burj Khalifa, the Pyramids of Giza, and the Hagia Sophia (H, Geo/C).

(21) Central and South Asia. The student understands the physical geography and human environment interaction of Central and South Asia. The student is expected to:

(A) describe how Earth-Sun relationships in Central or South Asia impact weather conditions, including monsoons and cyclones (Geo/C);

(B) identify major landforms, including the Himalayas, Caspian Sea, the Indus River, and the Ganges River (Geo/C); and

(C) describe how places in Central or South Asia plan for, mitigate, and respond to natural hazards, including earthquakes and monsoons (G/Civ, E).

(22) Central and South Asia. The student understands the population geography of Central and South Asia. The student is expected to:

(A) explain how human and physical features, including being land-locked or having access to the maritime trade routes, influence the size and distribution of settlements in Central or South Asia (H, G/Civ, Geo/C);

(B) analyze the growth of megacities, including Delhi, Dhaka, Mumbai, and Karachi (H, G/Civ, Geo/C); and

(C) analyze push or pull forces that affect human migration patterns in Central or South Asia, including conflict, weather, and economic opportunity (E, G/Civ).

(23) Central and South Asia. The student understands the economic and political geography of Central and South Asia. The student is expected to:

(A) identify the primary, secondary, tertiary, or quaternary economic activities of Central or South Asia, including pharmaceutical manufacturing and information technology software development (E);

(B) analyze the implications of globalization, including outsourcing to Central or South Asia (E);

(C) explain the spatial organization of countries in Central or South Asia, including the international boundary between India and Pakistan (G/Civ, Geo/C); and

(D) explain the role of human geography in territorial conflicts, including the USSR invasion of Afghanistan and the disputed territory of Kashmir (Geo/C).

(24) Central and South Asia. The student understands the cultural geography of Central and South Asia. The student is expected to:

(A) explain cultural convergence in Central and South Asia caused by war, including religious syncretism (H, Geo/C);

(B) explain the cultural divergence caused by the caste system and religious composition in Central and South Asia (H, Geo/C); and

(C) analyze visual sources to identify components of cultural landscape, including terraced farming, the Taj Mahal, and Hindu temples (H, Geo/C).

(25) Southeast Asia and Oceania. The student understands the physical geography and human environment interaction of Southeast Asia and Oceania. The student is expected to:

(A) describe how Earth-Sun relationships in Southeast Asia or Oceania impact weather conditions, including tropical storms and cyclones (Geo/C);

(B) identify major landforms, including the Malay Archipelago, Australian Outback, the Great Barrier Reef, and the Ring of Fire (Geo/C);

(C) describe how places in Southeast Asia or Oceania plan for, mitigate, and respond to natural hazards, including mangrove restoration and artificial reefs (G/Civ, Geo/C, E); and

(D) describe the role of the Association of Southeast Asian Nations (ASEAN) and Pacific cooperations in planning for, mitigating and responding to natural hazards (G/Civ, E).

(26) Southeast Asia and Oceania. The student understands the population geography of Southeast Asia and Oceania. The student is expected to explain how the topography influences the size and distribution of settlements and land use patterns, including terraced farming in Southeast Asia or Oceania (H, G/Civ, Geo/C).

(27) Southeast Asia and Oceania The student understands the economic and political geography of Southeast Asia and Oceania. The student is expected to:

(A) identify the primary, secondary, tertiary, or quaternary economic activities of Southeast Asia or Oceania, including agriculture and tourism (E);

(B) analyze how political power is distributed in archipelagic states, including Indonesia and the Philippines (G/Civ, Geo/C); and

(C) describe causes and effects of modern genocides and terrorism, including the Cambodian genocide under Pol Pot and the Khmer Rouge (H, G/Civ).

(28) Southeast Asia and Oceania. The student understands the cultural geography of Southeast Asia and Oceania. The student is expected to:

(A) explain cultural convergence in Southeast Asia or Oceania caused by innovations, including maritime technologies and navigational techniques (H, Geo/C);

(B) explain the cultural divergence in Southeast Asia or Oceania caused by geographic isolation and colonial influence (H, Geo/C); and

(C) analyze visual sources to identify components of cultural landscape, including the rice terraces and the Sydney Opera House (H, Geo/C).

(29) East Asia. The student understands the physical geography and human environment interaction of East Asia. The student is expected to:

(A) describe how Earth-Sun relationships in East Asia impact weather conditions, including typhoons and tsunamis (Geo/C);

(B) identify major landforms, including the Gobi Desert, the Himalayas, the Tibetan Plateau, the Korean Peninsula, the Japanese Archipelago, and Mount Fuji (Geo/C); and

(C) describe how places in East Asia plan for, mitigate, and respond to natural hazards, including earthquakes (G/Civ, Geo/C, E).

(30) East Asia. The student understands the population geography of East Asia. The student is expected to:

(A) describe human or physical features that influence the size and distribution of settlements in East Asia, including arable land and the high-speed rail (H, G/Civ, Geo/C);

(B) analyze push or pull forces that affect human migration patterns in East Asia, including oppression experienced by people living under communist regimes in North Korea and economic opportunity (H, G/Civ, E);

(C) compare how East Asian countries recognize population trends, allocate resources, and determine infrastructure needs (G/Civ, E); and

(D) describe the development of family planning policies in East Asia (G/Civ, E).

(31) East Asia. The student understands the economic and political geography of East Asia. The student is expected to:

(A) identify the primary, secondary, tertiary, or quaternary economic activities of East Asia, including automobile and technology manufacturing (E);

(B) analyze the implications of globalization in East Asia, including supply chains (E); and

(C) explain the role of physical and human geography in territorial conflicts, including the disputes over territorial claims in the South China Sea (G/Civ, Geo/C).

(32) East Asia. The student understands the cultural geography of East Asia. The student is expected to:

(A) explain cultural convergence in East Asia caused by trade, including the core tenets of Confucianism and the Hanzi Writing System (H, Geo/C);

(B) explain the cultural divergence caused by differing political systems, including differences between China and Taiwan and differences between North and South Korea (H, G/Civ, Geo/C); and

(C) analyze visual sources to identify components of cultural landscape, including the Great Wall of China, the Forbidden City, and cityscapes (H, Geo/C).

(33) Russia and the Republics. The student understands the physical geography and human environment interaction of Russia and the Republics. The student is expected to:

(A) identify major landforms or biomes, including the Siberian tundra, the Nomadic Steppe, Ural Mountains, Lake Baikal, West Siberian Plain, and the Volga River (Geo/C); and

(B) analyze the benefits or consequences of human-environment interactions in case studies, including hydroelectric power, permafrost adaptation, the Aral Sea crisis, and the Chernobyl Nuclear Disaster (H, Geo/C).

(34) Russia and the Republics. The student understands the population geography of Russia and the Republics. The student is expected to:

(A) describe features that influence the size and distribution of settlements in Russia or the Republics, including government policies and inhospitable climate (G/Civ, Geo/C);

(B) explain the effects of innovation on patterns of human settlement in Russia or the Republics, including the Trans-Siberian Railroad and pylon construction in permafrost zones (H, Geo/C);

(C) analyze push or pull forces that affect human migration patterns, including economic stagnation and opportunities (G/Civ, E); and

(D) explain how international and internal boundaries shape the spatial organization of Russia and its republics through territorial and resource control (Geo/C).

(35) Russia and the Republics. The student understands the economic and political geography of Russia and the Republics. The student is expected to:

(A) compare primary, secondary, tertiary, or quaternary economic activities, including military development and defense manufacturing, in Russia or the Republics with those in the United States, (H, G/Civ, E); and

(B) explain advantages and disadvantages of participation by sovereign states in regional organizations, including the Commonwealth of Independent States (CIS), the Collective Security Treaty Organization (CSTO), and political tensions within the region (G/Civ).

(36) Russia and the Republics. The student understands the cultural geography of Russia and the Republics. The student is expected to:

(A) explain cultural convergence caused by war, including shared Soviet era experiences and Cold War history (H, Geo/C); and

(B) analyze visual sources to identify components of cultural landscape, including the Kremlin, Red Square, St. Basil's Cathedral, and Moscow City (H, Geo/C).

(37) Europe. The student understands the physical geography and human environment interaction of Europe. The student is expected to:

(A) identify major landforms, including the Alps, the Scottish Highlands, The Pyrenees, the Rhine River, The Danube River, Norwegian Fiords, and the Greek Archipelago (Geo/C); and

(B) analyze the benefits and consequences of human-environment interactions in case studies, including commercial

agriculture, the polder system, hydroelectric dams, and acid rain (E, Geo/C).

(38) Europe. The student understands the population geography of Europe. The student is expected to:

(A) describe features, including industrial corridors and access to major rivers, that influence the size and distribution of settlements in Europe (G/Civ, Geo/C);

(B) explain the effects of innovation on patterns of human settlement, including the Channel Tunnel and high-speed rail networks (H, Geo/C); and

(C) analyze push or pull forces that affect human migration patterns in Europe, including the high cost of urban living, the availability of high-speed rail transportation, and economic opportunities (G/Civ, E).

(39) Europe. The student understands the economic and political geography of Europe. The student is expected to:

(A) identify the primary, secondary, tertiary, or quaternary economic activities of Europe, including tourism and high-tech manufacturing (E); and

(B) explain the advantages and disadvantages of the participation by European sovereign states in the North Atlantic Treaty Organization (NATO) and the European Union (G/Civ).

(40) Europe. The student understands the cultural geography of Europe. The student is expected to:

(A) explain cultural convergence caused by migration and trade, including political or economic integration brought about by the European Union (Geo/C, E);

(B) explain the cultural divergence in Europe, including linguistic sovereignty (H, Geo/C); and

(C) analyze visual sources of Europe to identify components of cultural landscape, including architecture, land use, signage, public art, monuments, and place names (Geo/C).

§113.29. Foundations of Economics (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2026-2027 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Students shall be awarded one credit for successful completion of this course. Students may not be awarded credit for both this course and the Economics with Emphasis on the Free Enterprise System and Its Benefits course adopted under this subchapter.

(c) Introduction.

(1) Foundations of Economics is the culmination of the economic content and concepts studied from Kindergarten through required secondary courses. Beginning with the history of economic thought, the focus is on microeconomic principles concerning production, consumption, and distribution of goods and services (the problem of scarcity) in the United States and a comparison with those in other countries around the world. Students analyze the interaction of supply, demand, and price. Students will investigate the macroeconomic concepts of specialization and trade, economic growth, key economic measurements, and monetary and fiscal policy. Students will study the roles of the Federal Reserve System and other financial institutions, government, and businesses in a free enterprise system. Types of business ownership and market structures are discussed. Students apply critical-thinking skills using economic concepts to evaluate the costs and benefits of economic issues.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) analyze economic data, including graphs, charts, and statistical models, to identify patterns, draw conclusions, and make evidence-based predictions about economic trends (E, S);

(B) construct and defend an evidence-based economic argument and use reasoning to connect evidence to the claim (E, S);

(C) engage in civil discourse about economics topics, including those with multiple perspectives(G/Civ, E, S); and

(D) evaluate the reliability, bias, and perspective of economic sources to determine their validity in supporting an economic argument (E, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) History of Economic Thought. The student understands economics. The student is expected to:

(A) define economics (E); and

(B) identify the relationship between virtue, including trust, courage, and justice, and individual economic endeavors in historical and religious texts, including the Torah and the Old Testament (H, E, S).

(2) History of Economic Thought. The student understands the economics of mercantilism and economic nationalism. The student is expected to compare mercantilism and economic nationalism using primary and secondary sources (H, G/Civ, E, S).

(3) History of Economic Thought. The student understands classical economics. The student is expected to:

(A) describe classical economics (E);

(B) explain the principles of free enterprise described in "An Inquiry into the Nature and Causes of the Wealth of Nations" by Adam Smith, including competition, division of labor, and limited government involvement in the economy (H, G/Civ, E, S);

(C) summarize the economic theories of Alexis de Tocqueville by using excerpts from "Democracy in America" (H, G/Civ, E, S); and

(D) explain how individual character traits, including responsibility and work ethic, were believed to contribute to economic success in classical economic thought (H, G/Civ, E, S).

(4) History of Economic Thought. The student understands the economics of socialism and communism. The student is expected to:

(A) explain how Karl Marx and Friedrich Engels described socialism as a transitional stage toward communism in the Communist Manifesto, including increased collective ownership of major industries, continued class conflict between workers and owners, and the goal of achieving a classless society (H, G/Civ, E, S);

(B) compare the role of individual effort and personal responsibility in the American free enterprise system with government or collective control in socialism and communism (H, G/Civ, E); and

(C) contrast virtue, character, and individual economic endeavors central to the American free enterprise system with socialism and communism (H, G/Civ, E, S).

(5) History of Economic Thought. The student understands neoclassical economics. The student is expected to:

(A) describe neoclassical economics (E); and

(B) explain the basic ideas of neoclassical economics and how economists, including Friedrich Hayek and Milton Friedman, emphasized individual choice, market competition, and limited government intervention in the economy (H, E).

(6) History of Economic Thought. The student understands economic and political freedom. The student is expected to analyze the relationship between economic and political freedom using primary and secondary sources (H, G/Civ, E, S).

(7) Scarcity and Opportunity Cost (Micro). The student understands the role of capital in the production of goods and services. The student is expected to:

(A) explain the four factors of production, including land, labor, capital, and entrepreneurs (E);

(B) explain types of capital, including physical capital and human capital (E);

(C) explain how the types of capital can produce goods and services (E, S);

(D) define types of goods as durable, non-durable, consumer, and capital (E); and

(E) define services (E).

(8) Scarcity and Opportunity Cost (Micro). The student understands opportunity in economics. The student is expected to:

(A) define economic opportunity (E); and

(B) explain scarcity in terms of opportunity cost (E).

(9) Scarcity and Opportunity Cost (Micro). The student understands the role of producers and consumers in scarcity and opportunity costs. The student is expected to:

(A) determine the choices that involve opportunity cost and tradeoffs (E, S);

(B) model the choices that involve opportunity cost and tradeoffs (E, S);

(C) describe the Jevons, Menger, and Walras conception of marginal analysis (E);

(D) analyze how geographic relationships lead to the choices made by societies when confronted by the condition of scarcity, using maps and graphs (Geo/C, E, S);

(E) determine ways societies answer the fundamental economic question of what to produce (G/Civ, E, S);

(F) determine ways societies answer the fundamental economic question of how to produce (G/Civ, E, S); and

(G) determine ways societies answer the fundamental economic question of for whom to produce (G/Civ, E, S).

(10) Scarcity and Opportunity Cost (Micro). The student understands interest rates. The student is expected to:

(A) define interest rates (E); and

(B) explain how charging interest affects borrowing decisions, scarcity of resources, and opportunity costs (E).

(11) Scarcity and Opportunity Cost (Micro). The student understands the production possibilities curve. The student is expected to:

(A) explain how the production possibilities curve illustrates inefficiency, full use of resources, and unattainable economic conditions (E);

(B) identify the factors that shift the production possibilities curve (E, S); and

(C) create a production possibilities curve to analyze the condition of scarcity and opportunity costs (E, S).

(12) Supply, Demand and Markets (Micro). The student understands the principles of supply and demand. The student is expected to:

(A) define the laws of supply and demand (E);

(B) identify the determinants of supply and demand (E);

(C) graph supply and demand to illustrate movement along the curve (G/Civ, E, S); and

(D) analyze economic data using supply and demand graphs (G/Civ, E, S).

(13) Supply, Demand and Markets (Micro). The student understands Say's Law. The student is expected to define Say's Law by Jean-Baptiste Say (E).

(14) Supply, Demand and Markets (Micro). The student understands the role of buyers and sellers. The student is expected to:

(A) explain the role of buyers and sellers in markets (E);

(B) define equilibrium price and identify determinants of change to equilibrium price (E, S); and

(C) explain the circular flow model (E).

(15) Supply, Demand and Markets (Micro). The student understands prices. The student is expected to:

(A) explain how scarcity influences supply, demand, and market prices (E);

(B) analyze how price controls, including price floors and price ceilings, can create surpluses or shortages (E); and

(C) explain how price elasticity reflects how consumers and producers respond to changes in price (E).

(16) Supply, Demand and Markets (Micro). The student understands profit. The student is expected to define profit in a market economy (G/Civ, E).

(17) Supply, Demand and Markets (Micro). The student understands business structures. The student is expected to:

(A) describe economic institutions in market economies (G/Civ, E);

(B) describe monopoly (E);

(C) describe oligopoly (E);

(D) describe pure competition (E);

(E) describe market process (E);

(F) describe competition (E); and

(G) apply research methods to synthesize information about business structures in market economies using a variety of sources (G/Civ, E, S).

(18) Decision and Game Theory (Micro). The student understands the fundamentals of the theory of the firm. The student is expected to:

(A) define the theory of the firm (E); and

(B) define and apply the law of diminishing returns (E).

(19) Decision and Game Theory (Micro). The student understands the fundamentals of game theory. The student is expected to:

(A) describe how firms make decisions using game theory (E, S);

(B) describe short-run, one-off game (E);

(C) describe Prisoner's Dilemma game (E); and

(D) describe long-run games (E).

(20) Microeconomics of Public Policy (Micro). The student understands public goods and services. The student is expected to:

(A) identify public goods and services (E); and

(B) evaluate how and why individuals make choices regarding their use of public goods and services (G/Civ, E, S).

(21) Microeconomics of Public Policy (Micro). The student understands competition in microeconomics. The student is expected to describe the purpose of laws and regulations adopted in the United States to promote competition among firms (G/Civ, E, S).

(22) Microeconomics of Public Policy (Micro). The student understands government controls in microeconomics. The student is expected to evaluate the impact of government wage and price controls on individuals and firms (G/Civ, E, S).

(23) Microeconomics of Public Policy (Micro). The student understands the moral hazard problem. The student is expected to explain the moral hazard problem in public policy (G/Civ, E).

(24) Microeconomics of Public Policy (Micro). The student understands natural monopolies. The student is expected to analyze how geographic factors contribute to natural monopolies (Geo/C, E, S).

(25) Microeconomics of Public Policy (Micro). The student understands types of taxation. The student is expected to:

(A) define examples of sales tax (G/Civ, E);

(B) define income tax (G/Civ, E);

(C) define property tax (G/Civ, E);

(D) define excise tax (G/Civ, E); and

(E) describe the economic impact of different types of taxation on consumers and firms (G/Civ, E).

(26) Microeconomics of Public Policy (Micro). The student understands a subsidiary. The student is expected to describe the characteristics of the subsidiary (E).

(27) Money and Monetary Policy (Macro). The student understands the functions and attributes of money. The student is expected to:

(A) describe the basic functions of money (E);

(B) describe the attributes of money (E);

(C) compare commodity money, representative money, and fiat money (E, S); and

(D) determine the relationship between commodity, representative, and fiat monies and opportunity cost (E).

(28) Money and Monetary Policy (Macro). The student understands the Federal Reserve System. The student is expected to describe the purpose of the Federal Reserve System in setting monetary policy (G/Civ, E).

(29) Money and Monetary Policy (Macro). The student understands price stability. The student is expected to:

(A) define price stability (E); and

(B) explain the role of the Federal Reserve in maintaining price stability (G/Civ, E).

(30) Money and Monetary Policy (Macro). The student understands the concept of full employment. The student is expected to:

(A) define full employment (E); and

(B) explain the role of the Federal Reserve in maintaining full employment (G/Civ, E).

(31) Money and Monetary Policy (Macro). The student understands monetary tools used by the Federal Reserve. The student is expected to:

(A) define money supply (E);

(B) explain how increases and decreases in the money supply on the economy using a variety of resources can influence inflation, interest rates, and economic growth (G/Civ, E, S); and

(C) describe how the Federal Reserve uses monetary policy tools, including open market operations, reserve requirements, and the discount rate, to influence the money supply (G/Civ, E).

(32) Fiscal Policy (Macro). The student understands government fiscal policy in macroeconomics. The student is expected to:

(A) explain major revenue and expenditure categories (E); and

(B) explain the government's role in taxation (G/Civ, E).

(33) Fiscal Policy (Macro). The student understands changes in federal spending and taxation. The student is expected to:

(A) explain budget deficits and surpluses (G/Civ, E);

(B) distinguish between budget deficit and debt (G/Civ, E, S);

(C) analyze how budget deficits and surpluses influence the creation of fiscal policy (G/Civ, E, S); and

(D) analyze the impact of the national debt on fiscal policy by engaging in civil discourse using multiple perspectives (G/Civ, E, S).

(34) Fiscal Policy (Macro). The student understands modern approaches to fiscal policy. The student is expected to:

(A) analyze Keynesian economics using primary and secondary sources (H, E, S); and

(B) describe supply-side economics (E).

(35) National Statistics and Economic Measurement (Macro). The student understands what measures are used to evaluate the economy. The student is expected to:

(A) identify the components of Gross Domestic Product (GDP) (E, S);

(B) identify the determinants of aggregate supply and aggregate demand (E);

(C) interpret inflationary period, recessionary period, and equilibrium using the aggregate supply and aggregate demand graph (E, S);

(D) determine how changes in aggregate supply and aggregate demand impact the economy (E, S);

(E) identify the types of unemployment as structural, frictional, cyclical (E);

(F) describe how aggregate supply and aggregate demand affect unemployment and underemployment (E, S);

(G) describe inflation and its causes (E);

(H) determine the relationship between inflation and Purchasing Power Parity (PPP) (E, S); and

(I) explain imprecision in economic measurement (E).

(36) National Statistics and Economic Measurement (Macro). The student understands the factors included in national statistics and economic measurement. The student is expected to explain the factors in the country's overall level of income, employment, and prices (G/Civ, E).

(37) Business Cycle (Macro). The student understands the business cycle in macroeconomics. The student is expected to:

(A) label the business cycle model (E, S);

(B) explain the factors in productivity increase (E);

(C) explain the factors in worker earnings (E);

(D) explain technological advances (E);

(E) explain entrepreneurship, entrepreneurial ventures and their effects (E);

(F) determine the relationship between calculated risk and the economy (E, S);

(G) determine the relationship between creative destruction and the economy (E, S);

(H) determine the relationship between centralized capital spending and the economy (G/Civ, E, S); and

(I) determine the relationship between productivity and the economy (E, S).

(38) Public Choice Theory (Macro). The student understands Public Choice Theory. The student is expected to:

(A) define public choice theory (G/Civ, E);

(B) apply economic principles to analyze government decision-making (G/Civ, E, S); and

(C) describe how government officials act as rational actors (G/Civ, E).

(39) International Economics and the United States (Macro). The student understands the connection between international economics and the United States. The student is expected to:

(A) explain the concept of comparative advantage in trade (G/Civ, E, S);

(B) explain the advantages and consequences of trade (E, S);

(C) determine the effect of trade barriers on trade (G/Civ, E);

(D) define the balance of trade (E);

(E) evaluate labor productivity trends on trade (E, S); and

(F) evaluate the role of exchange rates on trade using economic data (E, S).

(40) Benefits of the Free Enterprise System. The student understands voluntary exchange. The student is expected to:

(A) evaluate the role of voluntary exchange in free enterprise (E); and

(B) compare the way in which economic questions are answered by different economic systems, including traditional, market, command, and mixed (G/Civ, Geo/C, E, S).

(41) Benefits of the Free Enterprise System. The student understands the benefits of the free enterprise system. The student is expected to:

(A) define the competitive nature of free enterprise (E);

(B) describe the effects of intellectual property protections (G/Civ, E, S);

(C) define consumer sovereignty (E);

(D) describe the effect of consumer sovereignty on free enterprise (G/Civ, E, S);

(E) evaluate the costs of government policies (G/Civ, E);

(F) compare central planning to the free enterprise system (G/Civ, E);

(G) compare the economic development of the United States, Japan, and India to the USSR and China focusing on free enterprise versus command economies (H, Geo/C, E, S);

(H) analyze patterns of continuity and change in free enterprise versus command economies to assess the impact of historical economic transformations (H, Geo/C, E, S); and

(I) evaluate why governments use anti-trust policies, anti-fraud regulation, utility regulation, historical preservation, and public and non-excludable goods to override free markets (G/Civ, E, S).

§113.32. Psychology (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Psychology, an elective course, introduces students to the scientific study of behavior and mental processes. Students explore the origins and development of psychology, including major modern psychological theories and philosophical foundations that have influenced the field. Students examine methods of psychological research and analyze how scientific inquiry is used to understand human behavior. Students gain insight into how individuals think, learn, and interact with the world through the study of the following topics: the biological basis of psychology; the five senses, perception, and cognition; human development, learning and intelligence; personality, motivation and emotion; and health and wellness of the mind.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across

those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) construct and defend an evidence-based argument about a psychological concept backed by evidence and use reasoning to connect evidence to the claim (G/Civ, S);

(B) engage in civil discourse about psychological topics, including those with multiple perspectives (G/Civ, Geo/C, S);

(C) interpret psychological research and evaluate the extent to which research findings can be generalized across populations (S); and

(D) analyze how cultural, historical, and social context influences the development and interpretation of psychological theories and research findings (H, Geo/C, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Origins of Psychology and Major Modern Psychological Theories. The student understands the origins of psychology and major psychological theories. The student is expected to:

(A) identify and compare the concept of the soul in ancient Scriptures, including the Hebrew Bible, the Egyptian Book of the Dead, the Vedas, and the Buddhist Pali Canon (H, Geo/C, S);

(B) identify the unique contributions of foundational psychology, including Ivan Pavlov, Wilhelm Wundt, Sigmund Freud, and William James, and their unique contributions (H);

(C) identify the effects of the cognitive revolution in psychology (H, S); and

(D) explain the computational theory of mind and criticisms of this theory (Geo/C, S).

(2) Psychological Research. The student understands the methods and role of psychological research. The student is expected to:

(A) describe basic methods of social scientific reasoning and compare the characteristics of qualitative and quantitative psychological research (S);

(B) explain the difference between correlation and causation when interpreting psychological research (S);

(C) identify standards of the American Psychological Association (APA) for ethical decision making in relation to the collection, storage, and use of psychological data (H, G/Civ, S);

(D) interpret mean, median, and mode as measures of central tendency and range and standard deviation as dispersion to create and answer questions and demonstrate understanding of the information gathered (S);

(E) explain how false positives, statistical error, publication bias, and confirmation bias contribute to the replication crisis and affect the reliability of research conclusions (S); and

(F) identify major subfields of psychology and describe career opportunities related to psychology in a free enterprise system (G/Civ, Geo/C, E, S).

(3) Biological Basis of Psychology. The student understands the biological basis of psychology. The student is expected to:

(A) describe the structure and function of the central and peripheral nervous systems and explain how the nervous system influences behavior and psychological development (Geo/C, S);

(B) describe the structure and function of the endocrine system and explain how the endocrine system influences behavior and psychological development (Geo/C, S);

(C) describe empirical methods of evolutionary psychology by comparing the characteristics of qualitative and quantitative psychological research (H, S); and

(D) analyze psychological mechanisms, including preferences, fear, cooperation, jealousy, and patriotism, as products of natural selection (Geo/C, S).

(4) Philosophical Psychology. The student understands major ideas of philosophical psychology. The student is expected to:

(A) compare Plato's and Aristotle's theories of the soul (H, G/Civ, Geo/C, S);

(B) explain the concept of freedom of the will as it relates to liberty and American patriotism (H, G/Civ, Geo/C, S); and

(C) analyze how the United States Declaration of Independence and "What to a Slave is the Fourth of July?" address liberty and patriotism in America (H, G/Civ, Geo/C, S).

(5) The Five Senses, Perception, and Cognition. The student understands the role of the five senses, perception, and cognition in psychology. The student is expected to:

(A) explain the processes of sensation and perception in relation to real world experiences (Geo/C, S);

(B) explain cognition processes of memory, language development, and language acquisition (Geo/C, S); and

(C) identify states and levels of consciousness, including wakefulness, sleep, and dreaming (S).

(6) Development, Learning, and Intelligence. The student understands the role of development, learning, and intelligence in psychology. The student is expected to:

(A) analyze the nature versus nurture debate (Geo/C, S);

(B) summarize Jean Piaget's theory of cognitive development (H, S);

(C) summarize Erik Erikson's stages of psychosocial development (H, Geo/C, S);

(D) explain principles of operant and classical conditioning and the principles of social learning (S); and

(E) define intelligence and evaluate its measurements, including qualitative and quantitative psychological research (Geo/C, S).

(7) Personality, Motivation, and Emotion. The student understands the role of personality, motivation, and emotion in psychology. The student is expected to:

(A) define the concept of personality (Geo/C, S);

(B) compare the theories of personality, including psychodynamic, trait, humanistic, and sociocultural (Geo/C, S);

(C) evaluate personality assessment tools based on evidence from qualitative and quantitative psychological research (Geo/C, S);

(D) compare current theories of motivation, including Maslow's Hierarchy of Needs and Drive Reduction Theory (H, Geo/C, S); and

(E) compare current theories of emotion, including James-Lange Theory and Two-Factor Theory (H, Geo/C, S).

(8) Health, Wellness, and the Mind. The student understands the role of health and wellness of the mind. The student is expected to:

(A) describe characteristics of common forms of mental illness, including anxiety disorders, depressive disorders, schizophrenia, and bipolar disorders (Geo/C, S);

(B) describe common psychiatric treatments used for mental illness, including cognitive behavior therapy, behavioral therapy, psychodynamic therapy, and biomedical treatment (Geo/C, S); and

(C) describe the impact of positive psychology on society, including building a sense of belonging through civic engagement in the United States (Geo/C, S).

§113.33. Sociology (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Sociology, an elective course, is an introductory study of social behavior, human interaction, and the organization of society. This course examines the development of sociology as a social science by exploring the theories, concepts, and methods used to study individuals, groups, and institutions. Students analyze the relationship between the individual and society while also examining how social forces influence behavior in an ever-changing world. Through the study of topics such as the foundations of sociology, sociological research methods, society and social structures, socialization, groups and organizations, government and politics, and the role of social capital, students develop an understanding of how social systems operate and how individuals interact within them. This course places emphasis on sociological theories and frameworks to help students interpret social patterns, evaluate research, and apply theoretical perspectives to contemporary social issues.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together. Skills should include:

(A) create a claim about a sociological concept backed by evidence and use reasoning to connect evidence to the claim (G/Civ, S);

(B) engage in civil discourse about sociological topics, including those with multiple perspectives (G/Civ, S); and

(C) explain how historical, cultural, political, and economic factors interact to influence social institutions, group behavior, and individual identity across diverse communities (H, G/Civ, Geo/C, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) What is Sociology? The student understands the development of the field of sociology, leading sociological ideas, and culture in society and its different forms. The student is expected to:

(A) identify central concepts of sociology, including culture, socialization, social structure, social institutions, and social stratification (H, Geo/C, S);

(B) explain sociological ideas of Jane Addams, Harriet Martineau, Adam Smith, Karl Marx, Emile Durkheim, and Max Weber (H);

(C) describe elements of culture, including identity, language, faith-based systems, shared practices, and material goods (Geo/C, S);

(D) explain ways cultural concepts in society are studied (Geo/C, S); and

(E) explain how key aspects of deviant behavior regulate conduct in society, including formal violations of official, codified laws and norms, and informal minor violations of unwritten social rules or customs (H, G/Civ, Geo/C).

(2) Sociological Research. The student understands the scientific process of studying the social world and the role of ethics in sociological research. The student is expected to:

(A) identify scientific steps social scientists use (S);

(B) describe qualitative and quantitative research methods employed to investigate the social world (Geo/C, S);

(C) identify ethical obligations of social scientists, including informed consent, confidentiality, and avoiding harm (G/Civ, Geo/C); and

(D) evaluate sociological research and value neutrality (S).

(3) Sociological Perspectives. The student understands major sociological theories and their impact on society. The student is expected to:

(A) explain the functionalist view of society and how social institutions maintain stability through manifest functions, latent functions, and latent dysfunctions, including Robert Merton (G/Civ, Geo/C, E);

(B) explain conflict theory through the contributions of Karl Marx and native Texan, C. Wright Mills (H, G/Civ, E);

(C) explain rational choice theory and how it affects human behavior, including consumer buying habits, the rational choice of committing a crime, and voting behavior (G/Civ, Geo/C, E);

(D) apply Max Weber's Iron Cage to a real-world situation (G/Civ, Geo/C, S); and

(E) explain symbolic interactionism through the contributions of George Herbert Mead and Herbert Blumer (H, G/Civ, Geo/C).

(4) Society. The student understands pre-industrial, industrial, and post-industrial societies. The student is expected to:

(A) differentiate between types of societies, including pre-industrial, industrial, and post-industrial societies (H, G/Civ, Geo/C, E, S); and

(B) explain the causes and effects of social change as societies transition between stages of development (H, Geo/C, G/Civ, E, S).

(5) Socialization. The student understands the concepts and processes of how people socialize in society, and the importance of social group agents. The student is expected to:

(A) explain, using a visual representation, the concept of "self" and how society influences individual identity (Geo/C, S);

(B) explain the development of self through role theory and the social construction of reality (Geo/C, S);

(C) explain the concept of agency and the role of agency in shaping individual identity (Geo/C);

(D) identify agents of socialization, including family, peers, school, workplace, government, media, and religion (G/Civ, Geo/C);

(E) compare the impact of agents of socialization across the life course, including childhood, adolescence, and adulthood (G/Civ, Geo/C, E, S); and

(F) analyze how bias, prejudice, discrimination, and stereotypes influence attitudes and social institutions (H, G/Civ, Geo/C, E, S).

(6) Groups and organizations. The student understands the types and functions of groups and how group size influences group dynamics. The student is expected to:

(A) describe types of groups, including primary, secondary, reference, in and out, and digital communities (Geo/C);

(B) describe subcultures and what makes subcultures unique (Geo/C);

(C) explain how groups serve emotional and expressive needs (Geo/C);

(D) explain the function and styles of group leadership using the writings of the United States founding fathers (H, Geo/C); and

(E) describe the structure and function of bureaucracies and explain how these relate to students' lives and society (G/Civ, Geo/C).

(7) Government and Politics. The student understands how power, authority, forms of government, and economic systems influence society. The student is expected to:

(A) analyze the meaning of Lord Acton's quote that "Power tends to corrupt; absolute power corrupts absolutely" with George Washington's voluntary relinquishment of power by declining a third term (H, G/Civ);

(B) analyze how anarchy, direct democracy, and representative democracy distribute power and decision-making in society (G/Civ, Geo/C, S); and

(C) compare how free enterprise systems and socialism distribute power, resources, and opportunities in society (G/Civ, Geo/C, E, S).

(8) Social Capital. The student understands social capital and how it facilitates action, helps individuals achieve goals, and contributes to individual and community well-being. The student is expected to:

(A) analyze the characteristics of social capital as a resource in society (G/Civ, Geo/C, E, S);

(B) analyze how individuals' access to social networks, including social media, influences access to resources, opportunities, and social mobility (Geo/C, E, S);

(C) evaluate Robert Putnam's view on the importance of civic engagement and social capital in democratic life, including voter turnout, social trust, political engagement, and community well-being (H, G/Civ, Geo/C);

(D) explain how systems of social stratification influence access to resources, opportunities, and social mobility (H, Geo/C, E, S); and

(E) explain W.E.B. Du Bois' contributions to the study of social stratification (H, Geo/C, E, S).

§113.34. Special Topics in Social Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Special Topics in Social Studies, an elective course, students are provided the opportunity to develop a greater understanding of the historic, political, economic, geographic, multicultural, and social forces that have shaped their lives and the world in which they live. Students will use social science knowledge and skills to engage in rational and logical analysis of complex problems using a variety of approaches, while recognizing and appreciating diverse human perspectives.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing

citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Social studies skills. The student uses problem-solving and decision-making skills, working independently and with others, in a variety of settings. The student is expected to:

(A) apply social studies methodologies encompassing a variety of research and analytical tools to explore questions or issues thoroughly and fairly to include multiple perspectives (H, S);

(B) evaluate effects of major political, economic, and social conditions on a selected social studies topic (G/Civ, Geo/C, E);

(C) appraise a geographic perspective that considers physical and cultural processes as they affect the selected topic (Geo/C);

(D) examine the role of diverse communities in the context of the selected topic (H, Geo/C);

(E) analyze ethical issues raised by the selected topic in historic, cultural, and social contexts (H, Geo/C);

(F) depending on the topic, use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution (S); and

(G) depending on the topic, use a decision-making process to identify a situation that requires a decision, gather information, identify options, predict consequences, and take action to implement a decision (S).

(2) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:

(A) locate, analyze, organize, synthesize, evaluate, and apply information about the selected topic, identifying, describing, and evaluating multiple points of view (S);

(B) differentiate between valid primary and secondary sources and use them appropriately to conduct research and construct arguments (H, S);

(C) read narrative texts critically and identify points of view from the historical context surrounding an event and the frame of reference that influenced the participants (H, S);

(D) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions (S);

(E) collect visual images (photographs, paintings, political cartoons, and other media) to enhance understanding and appreciation of multiple perspectives in a social studies topic (S);

(F) identify bias in written, oral, and visual material (S);

(G) evaluate the validity of a source based on language, corroboration with other sources, and information about the author (S); and

(H) use appropriate mathematical skills to interpret social studies information, including maps and graphs (Geo/C, S).

(3) Social studies skills. The student creates written, oral, and visual presentations of social studies information. The student is expected to:

(A) apply the conventions of usage and mechanics of written English (S);

(B) use social studies terminology correctly (S);

(C) use appropriate oral communication techniques (S);

(D) construct a thesis that is supported by evidence (S);

(E) recognize and evaluate counter arguments (S);

(F) use visual images (photographs, paintings, and other media) to facilitate understanding and appreciation of multiple perspectives in a social studies topic (S);

(G) develop a bibliography with ideas and information attributed to source materials and authors using accepted social science formats such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S); and

(H) use computer software to create written, graphic, or visual products from collected data (S).

§113.35. Social Studies Research Methods (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Social Studies Research Methods, an elective course, students conduct advanced research on a selected topic in social studies using qualitative and/or quantitative methods of inquiry. Students present their research results and conclusions in written and visual or oral format. The course is designed to be conducted in either classroom or independent settings.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Social studies skills. The student understands the need for an organizing framework to identify an area of interest and collect information. The student is expected to:

(A) select a social studies issue, topic, or area of interest (S);

(B) write a rationale and preliminary ideas for research methods (S);

(C) develop a literature review (S); and

(D) develop a thesis (S).

(2) Social studies skills. The student applies a process approach to a research topic, applying the ideas, theories, and modes of inquiry drawn from the social sciences in the examination of persistent issues and social questions. The student is expected to:

(A) understand the basic requirements and philosophical foundations for qualitative and quantitative methods of inquiry, including inductive and deductive reasoning, to determine the most effective research approach from a variety of alternatives (S);

(B) select and design a research project, including an examination of the theory and methods applicable to the research topic (S);

(C) collect information from a variety of sources (primary, secondary, written, and oral) using techniques, including questionnaires, interviews, and library research (S);

(D) use current technology, including library topic catalogues, networks, online information systems, academic journals, primary sources on the Internet, email interviews, and video interviews, to collect information about the selected topic (S);

(E) use information from sources that take into account multiple perspectives (S);

(F) differentiate between primary and secondary sources and use each appropriately to conduct research and construct arguments (S);

(G) develop and use criteria for the evaluation of qualitative and/or quantitative information (S);

(H) describe the results of the research process (S);

(I) generate logical conclusions from research results (S);

(J) justify a conclusion with supporting evidence (S);

(K) make predictions as to future actions and/or outcomes based on conclusions of research (S); and

(L) develop a bibliography in a format appropriate to the social sciences such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S).

(3) Social studies skills. If doing qualitative research, the student employs the processes of critical social science inquiry to understand an issue, topic, or area of interest using a variety of sources, checking their credibility, validating and weighing evidence for claims, and searching for causality. The student is expected to:

(A) interpret the historiography of the research topic (S);

(B) apply key social science concepts, including time, chronology, causality, change, conflict, and complexity, to explain, analyze, and show connections among patterns of historical change and continuity (S);

(C) investigate, interpret, and analyze multiple historical and contemporary viewpoints within and across cultures (S);

(D) relate important events, recurring dilemmas, and persistent issues to topic (S); and

(E) employ empathy, skepticism, and critical judgment to analysis of topic (S).

(4) Social studies skills. If doing quantitative research, the student is expected to:

(A) apply the scientific method in a research project (S);

(B) create a matrix applying research methodologies that employ survey research, ethnography, primary documents, and statistical analysis to given subject areas (S);

(C) determine the most efficient research approach (S);

(D) utilize basic statistical approaches and tools in the analysis of aggregate information (S);

(E) define and compute statistical information using various statistical approaches, including means testing and correlation, measures of central tendency and distribution, the development of categorical systems, and logical analysis (S);

(F) analyze information using a spreadsheet or statistical analysis information software (S);

(G) apply the fundamental principles and requirements of validity and reliability as used in the social sciences (S);

(H) interpret patterns of behavior reflecting attitudes and values that contribute or pose obstacles to cross-cultural understanding (S); and

(I) utilize applicable ethical standards in collecting, storing, and using human experimental or survey data (S).

(5) Social studies skills. The student creates a written and oral presentation of research and conclusions. The student is expected to:

(A) apply the conventions of usage and mechanics of written English (S);

(B) present a thesis and conclusion (S);

(C) use appropriate social science terminology (S);

(D) justify a conclusion with supporting evidence and address counter arguments as appropriate (S);

(E) construct visuals, including statistical compilations, charts, graphs, tables, timelines, and maps, to convey appropriate data (S);

(F) create a presentation on a selected topic using word-processing, graphics, and multimedia software (S);

(G) incorporate and present visual images (photographs, paintings, and other media) to enhance presentation (S); and

(H) develop a bibliography with ideas and information attributed to source materials and authors using accepted social science formats such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S).

(6) Social studies skills. The student understands the principles and requirements of the scientific method. The student is expected to:

(A) select a social studies issue, topic, or area of interest (S);

(B) select and design a research project, including an examination of the theory and methods applicable to the research topic (S);

(C) describe the results of the research process (S); and

(D) justify a conclusion with supporting evidence and make predictions as to future actions and/or outcomes based on the conclusions of research (S).

§113.36. Social Studies Advanced Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Social Studies Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student investigates, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:

(A) analyze the relationship between his or her interests and career/discipline (S);

(B) review literature from varied sources from the selected career or discipline (S);

(C) identify a problem, issue, or concern (S);

(D) survey and/or interview professionals to determine the appropriateness of a project (S); and

(E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project (S).

(2) The student demonstrates understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:

(A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation (S);

(B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline (S); and

(C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices (S).

(3) The student develops products that meet standards recognized by the selected profession or discipline. The student is expected to:

(A) collaborate with the appropriate professionals to define the product (S);

(B) develop a plan for product completion (S);

(C) develop assessment criteria for successful completion of the project (S);

(D) establish the appropriateness of the product for the intended audience (S);

(E) implement the plan for product completion (S); and

(F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes (S).

(4) The student demonstrates an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:

(A) review and revise the plan to present the findings (S);

(B) make arrangements for the presentation of findings to an appropriate audience (S);

(C) present findings, simulating the skills used by professionals (S);

(D) consider feedback received from the audience (S);

(E) reflect on the study and its potential for impact on the field (S); and

(F) reflect on personal learning experiences of the study (S).

§113.37. Economics Advanced Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. Students may take this course with different course content for a maximum of one credit. Students who are pursuing the Distinguished Achievement Program may take Economics Advanced Studies to earn state credit for developing, researching, and presenting their mentorship or independent study advanced measure.

(c) Introduction.

(1) In Economics Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student investigates, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:

(A) analyze the relationship between his or her interests and career/discipline (S);

(B) review literature from varied sources from the selected career or discipline (S);

(C) identify a problem, issue, or concern (S);

(D) survey and/or interview professionals to determine the appropriateness of a project (S); and

(E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project (S).

(2) The student demonstrates understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:

(A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation (S);

(B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline (S); and

(C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices (S).

(3) The student develops products that meet standards recognized by the selected profession or discipline. The student is expected to:

(A) collaborate with the appropriate professionals to define the product (S);

(B) develop a plan for product completion (S);

(C) develop assessment criteria for successful completion of the project (S);

(D) establish the appropriateness of the product for the intended audience (S);

(E) implement the plan for product completion (S); and

(F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes (S).

(4) The student demonstrates an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:

(A) review and revise the plan to present the findings (S);

(B) make arrangements for the presentation of findings to an appropriate audience (S);

(C) present findings, simulating the skills used by professionals (S);

(D) consider feedback received from the audience (S);

(E) reflect on the study and its potential for impact on the field (S); and

(F) reflect on personal learning experiences of the study (S).

§113.38. Ethnic Studies: Mexican American Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In Ethnic Studies: Mexican American Studies, an elective course, students learn about the history and cultural contributions of Mexican Americans. Students explore history and culture from an interdisciplinary perspective. The course emphasizes events in the 20th and 21st centuries, but students will also engage with events prior to the 20th century.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student understands historical points of reference in Mexican American history. The student is expected to apply absolute and relative chronology through the sequencing of significant individuals, events, and time periods (H).

(2) The student understands developments related to pre-colonial settlements and Spanish colonization of Mesoamerica and North America. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: Aztec arrival in Mexico's central valley, establishment of the Aztec Empire, Hernán Cortés's first encounter with the Aztecs, Spanish conquest of the Aztecs, creation of the New Laws, and Jesuit expulsion from the Americas (H, G/Civ, Geo/C, E); and

(B) examine the contributions of significant individuals from the Spanish colonial era, including Moctezuma II, Hernán Cortés, La Malinche, Bartolomé de las Casas, and Sor Juana Inés de la Cruz (H, G/Civ, Geo/C).

(3) The student understands developments related to Mexican independence and Mexico's relationship with the United States from 1800-1930. The student is expected to explain the significance of the following events as turning points relevant to Mexican American history: the Grito de Dolores, Mexico's acquisition of independence, Texas's declaration of independence from Mexico, Mexican-American War, Treaty of Guadalupe Hidalgo, Mexican Revolution, creation of the U.S. Border Patrol, and Mexican repatriation of the 1930s (H, G/Civ, Geo/C, E).

(4) The student understands the causes and impact of the Mexican American civil rights movement from the 1930s to 1975. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: U.S. entry into World War II, Bracero Program, Longoria Affair, Operation Wetback, Hernández v. Texas, Brown v. Board of Education, Civil Rights Act of 1964, Voting Rights Act of 1965, Farmworkers strike and boycott, and establishment of La Raza Unida Party (H, G/Civ, Geo/C, E); and

(B) identify the contributions of significant individuals from the civil rights era, including Dolores Huerta, Reies López Tijerina, José Ángel Gutiérrez, Rubén Salazar, Emma Tenayuca, Rodolfo "Corky" Gonzales, Marcario García, Hector P. García, Raul "Roy" Perez Benavidez, Martha P. Cotera, Jovita Idár, Jovita González de Mireles, Sara Estela Ramírez, Leonor Villegas de Magnon, Adela Sloss Vento, María L. de Hernández, and Alicia "Alice" Dickerson Montemayor (H, G/Civ, Geo/C, E).

(5) The student understands the development of voting rights and ideas related to citizenship for Mexican Americans from 1975 to the present. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: the Immigration Reform and Control Act, Illegal Immigration Reform and Immigration Responsibility Act; and H.R. 4437 passed by the U.S. House of Representatives in 2006 (H, G/Civ); and

(B) identify the contributions of significant individuals, including Raul Yzaguirre, William "Willie" Velásquez, Gloria Evangelina Anzaldúa, Henry Cisneros, Cherríe L. Moraga, and Bill Richardson (H, G/Civ, Geo/C).

(6) The student understands the impact of geographic factors on major events related to Mexican Americans. The student is expected to:

(A) locate places and regions of cultural and historical significance in Mexican American history (H, Geo/C);

(B) identify physical and human geographic factors related to the settlement of American Indian societies (H, Geo/C);

(C) explain how issues of land use related to Mexican Independence, Texas Independence, and the Mexican Revolution (H, G/Civ, Geo/C, E);

(D) analyze physical and human geographic factors related to Mexican migration from the 1910s to the 1930s (H, Geo/C);

(E) identify physical and human geographic factors related to the migration of Mexican laborers as part of the 1940s Bracero Program (H, G/Civ, Geo/C, E); and

(F) analyze the physical and human geographic factors related to contemporary Mexican migration to and Mexican American migration within the United States (H, Geo/C).

(7) The student understands domestic issues related to Mexican American population growth, labor force participation, and

the struggle to satisfy wants and needs given scarce resources. The student is expected to:

(A) analyze the economic impact of Mexican repatriation of the 1930s (E);

(B) evaluate the contributions of the Bracero Program to the U.S. war effort and the development of the agricultural economy in the American Southwest (H, E);

(C) explain the struggle to create a farmworkers union and the union's efforts to fight for better wages (G/Civ, E);

(D) analyze the economic contributions of the Mexican American labor force (E);

(E) analyze the purchasing power of the Mexican American population as it relates to U.S. household consumption and gross domestic product (GDP) (E); and

(F) discuss current issues related to the Mexican American labor force (G/Civ, E).

(8) The student understands the significance of political decisions and the struggle for Mexican American political power throughout U.S. history. The student is expected to:

(A) describe how Mexican Americans have participated in supporting and changing government (G/Civ);

(B) analyze the impact of Salvatierra v. Del Rio Independent School District (ISD), Delgado v. Bastrop ISD, and Hernández v. Texas on Mexican Americans and the end of the biracial paradigm (G/Civ);

(C) analyze the Mexican American struggle for civil rights as manifested in the Chicano movement (G/Civ, Geo/C);

(D) evaluate the successes and failures of the Mexican American civil rights movement and the farmworkers movement (H, G/Civ, Geo/C, E);

(E) analyze the significance of U.S. Supreme Court decisions in Miranda v. Arizona, San Antonio ISD v. Rodríguez, and Plyler v. Doe (G/Civ); and

(F) discuss the role of various organizations, including the American G.I. Forum, the League of United Latin American Citizens (LULAC), the Mexican American Legal Defense and Educational Fund (MALDEF), the National Association of Latino Elected and Appointed Officials (NALEO), and the National Council of La Raza (NCLR), that have participated in the Mexican American struggle for political power (H, G/Civ, Geo/C, E).

(9) The student understands the debates surrounding the nature of respectful expression of different points of view in a constitutional republic. The student is expected to:

(A) describe the rights and responsibilities of Mexican American citizens and Mexican immigrants in civic participation within the United States (G/Civ, Geo/C);

(B) discuss ways American citizens and immigrants interpret formal citizenship and cultural citizenship, including membership in one nation and membership in diverse cultural and national groups (G/Civ, Geo/C);

(C) discuss ways individuals contribute to the national identity as members of diverse cultural groups (Geo/C); and

(D) analyze the connotations and histories of identity nomenclature relevant to Mexican Americans, including Mexican, Spanish, Hispanic, Latina/o, Chicana/o, illegal, undocumented, Mexican American, American Mexican, or simply American (H, G/Civ, Geo/C).

(10) The student understands the relationship between Mexican American artistic expression and the times during which the art was created. The student is expected to:

(A) describe how the characteristics and issues of Mexican American history have been reflected in various genres of art, music, film, and literature (H, Geo/C);

(B) analyze the significance of selected works of Mexican American literature, including "I am Joaquín" (1967) by Rodolfo "Corky" Gonzales and "Pensamiento Serpentino" (1971) by Luis Valdez (Geo/C);

(C) describe the role of artistic expression in mobilizing Mexican Americans and others toward civic participation and action, including the role of "Teatro Campesino" during the farmworkers movement (H, G/Civ, Geo/C);

(D) identify the contributions of women, including Sandra Cisneros and Norma Alarcón (Geo/C); and

(E) identify the impact of Mexican American popular culture on the United States and the world over time (H, Geo/C).

(11) The student understands the impact of Mexican American individuals and groups on the development of science and technology in American society and on a global scale. The student is expected to:

(A) explain the major ideas in astronomy, mathematics, and architectural engineering that developed in the Maya and Aztec civilizations (H, G/Civ, Geo/C, E); and

(B) identify contributions to science and technology in the United States and the world made by Mexican Americans, including Albert Baez, Martha E. Bernal, Ellen Ochoa, Linda Garcia Cubero, and Mario José Molina (Geo/C).

(12) The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:

(A) use social studies terminology correctly (S);

(B) analyze diverse points of view related to contemporary Mexican American issues (S);

(C) create a written and/or oral presentation on a contemporary issue or topic relevant to Mexican Americans using critical methods of inquiry (S); and

(D) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions (S).

§113.39. Ethnic Studies: African American Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In Ethnic Studies: African American Studies, an elective course, students learn about the history and cultural contributions

of African Americans. This course is designed to assist students in understanding issues and events from multiple perspectives. This course develops an understanding of the historical roots of African American culture, especially as it pertains to social, economic, and political interactions within the broader context of United States history. It requires an analysis of important ideas, social and cultural values, beliefs, and traditions. Knowledge of past achievements provides citizens of the 21st century with a broader context within which to address the many issues facing the United States.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies skills are incorporated into the teaching of social studies content. Students use social studies practices to demonstrate understanding and apply reasoning to the study of people, places, issues, and events. A greater depth of understanding of complex content material is attained when social studies content and disciplinary thinking skills are taught together.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student understands the influential historical points of reference in African history prior to 1619. The student is expected to:

(A) identify the major eras, civilizations, and contributions of African history that are foundational to humanity and predate American slavery (H, G/Civ, Geo/C, E);

(B) describe and compare the various pre-colonial, indigenous, and ancestral roots of African Americans, including educational systems, social and political developments, family structures, global trade, and exchange (H, G/Civ, Geo/C, E); and

(C) analyze the effects of dehumanization through the capture, trade, and enslavement of Africans, within a regional and global context, including the Atlantic Slave Trade (H, Geo/C, E).

(2) The student understands the economic, political, and social development of slavery during the American colonial period, 1619 to 1775. The student is expected to:

(A) analyze the African diaspora, including the role of Africans and Europeans (H, G/Civ, Geo/C, E);

(B) compare and contrast the colonization of North, Central, and South America and the West Indies and neighboring islands and analyze the interactions among enslaved Africans and Native Americans (H, G/Civ, Geo/C, E);

(C) describe and explain the impact of the Middle Passage on African American culture (H, Geo/C, E); and

(D) explain the causes for the growth and development of slavery, primarily in the Southern colonies (H, G/Civ, Geo/C, E).

(3) The student understands the rationalization and ramifications for the continuation and growth of slavery and the anti-slavery movement in the United States from independence (1776) through the Emancipation Proclamation (1863). The student is expected to:

(A) analyze the economic, social, religious, and legal rationalization used by some Americans to continue and expand slavery after declaring independence from Great Britain (H, G/Civ, Geo/C, E);

(B) describe the impact of the Three-Fifths Compromise and the Fugitive Slave Act (H, G/Civ, E);

(C) analyze the role that slavery played in the development of nationalism and sectionalism during the early 19th century (H, G/Civ, Geo/C, E);

(D) analyze and evaluate various forms of individual and group resistance against the enslavement of African Americans (H, G/Civ, Geo/C);

(E) analyze the influence of significant individuals and groups prior to and during the abolitionist movement to determine their impact on ending slavery, including the work of David Walker, Elijah P. Lovejoy, John Brown, Sojourner Truth, Frederick Douglass, the American Anti-Slavery Society, and the Underground Railroad (H, G/Civ, Geo/C); and

(F) analyze national and international abolition efforts, including the gradual emancipation of enslaved people in the North (1777-1804), the U.S. ban on the slave trade (1808), the abolition of slavery in Mexico (1829) and Great Britain (1833), and the significance of the Guerrero Decree in the Texas Revolution (H, G/Civ, E).

(4) The student understands African American life from the Civil War through World War I. The student is expected to:

(A) summarize the roles and experiences of African American soldiers and spies in both the North and South during the Civil War (H, G/Civ, Geo/C);

(B) describe and analyze the successes and failures of Reconstruction (H, G/Civ, Geo/C, E);

(C) compare the opportunities and challenges faced by African Americans from post-Reconstruction to the early 20th century and viewpoints and actions of African Americans, including Ida B. Wells, W.E.B. Du Bois, Booker T. Washington, Marcus Garvey, the National Association for the Advancement of Colored People (NAACP), Freedmen's Towns, and the Exodusters (H, G/Civ, Geo/C, E);

(D) explain the circumstances surrounding increased violence and extremism, including the Ku Klux Klan (KKK), the Colfax Massacre, lynchings, race riots, and the Camp Logan Mutiny (The Houston Riot of 1917) (H, G/Civ, Geo/C);

(E) explain the impact of the convict leasing system on African Americans, including the Sugar Land 95 (H, G/Civ, Geo/C, E);

(F) explain how the rise of Jim Crow laws affected the life experiences of African Americans in the late 19th and early 20th centuries (H, G/Civ, Geo/C);

(G) describe the impact of the U.S. Supreme Court decision Plessy v. Ferguson (1896) (H, G/Civ, Geo/C);

(H) analyze the social, economic, and political actions of African Americans in response to the Jim Crow era during the early 20th century, including the Great Migration, civil rights organizations, social organizations, political organizations, and organized labor unions (H, G/Civ, Geo/C, E);

(I) examine the experiences of African American soldiers during and after World War I (H, Geo/C); and

(J) describe the impact of African American military service from Reconstruction through World War I, including the role of the Buffalo Soldiers (H, G/Civ, Geo/C, E).

(5) The student understands change and continuity in the African American cultural identity during the Great Depression, World War II, and the Civil Rights Movement. The student is expected to:

(A) compare the positive and negative effects of the Great Depression and New Deal on the social and economic status of African Americans in various geographic regions (G/Civ, Geo/C, E);

(B) describe the impact of U.S. Supreme Court decisions Sweatt v. Painter (1950) and Brown v. Board of Education (1954) (G/Civ, Geo/C);

(C) describe the continued struggle for civil rights in America during this time in history, including the notable works of the NAACP, National Urban League, Jackie Robinson, Rosa Parks, Martin Luther King Jr., Daisy Bates and the Little Rock Nine, the Student Non-Violent Coordinating Committee (SNCC), and local leaders (G/Civ, Geo/C);

(D) describe the interactions of the people of the diaspora relative to the struggle for civil rights (Geo/C);

(E) describe the impact of racism during World War II (H, G/Civ, Geo/C);

(F) explain the contributions of significant African American individuals and groups during World War II, including Doris "Dorie" Miller, the Tuskegee Airmen, and the 761st Tank Battalion (H, G/Civ, Geo/C);

(G) analyze how the effects of World War II laid the groundwork for the Civil Rights Movement, including Harry S. Truman's Executive Order 9981 and the contributions of A. Phillip Randolph, Mary McLeod Bethune, and Thurgood Marshall (H, G/Civ, Geo/C, E);

(H) analyze the successes, failures, and ongoing impact of the Civil Rights Movement, including methods, sit-ins, boycotts, marches, speeches, music, and organizations (H, G/Civ, Geo/C, E); and

(I) evaluate the extent to which the Civil Rights Movement transformed American politics and society (H, G/Civ, Geo/C, E).

(6) The student understands the progress made and challenges faced by African Americans from the post-Civil Rights Era to contemporary times. The student is expected to:

(A) identify and explain the issues confronting African Americans in the continuing effort to achieve equality (H, G/Civ, Geo/C, E);

(B) describe the major achievements of contemporary African Americans and how their contributions have shaped the American experience, including John H. Johnson, Muhammad Ali, Fannie Lou Hamer, Shirley Chisholm, Earl G. Graves, Barbara Jordan, Colin Powell, Condoleezza Rice, and Barack Obama (H, G/Civ, Geo/C, E); and

(C) analyze the progress and challenges for African American men and women socially, economically, and politically from 1970 to the present, including the evolving role of education in the African American community (H, G/Civ, Geo/C, E).

(7) The student understands the impact of geographic factors on major events related to African Americans over time. The student is expected to:

(A) explain the causes and effects of forced and voluntary migration on individuals, groups, and societies throughout African American history (H, G/Civ, Geo/C, E);

(B) identify and explain the physical and human geographic factors that contributed to the Atlantic Slave Trade, the rise of the plantation system in the South, the development of textile mills in the North, and economic interdependence between the North and South (Geo/C, E);

(C) explain the westward movement and the Great Migration and summarize their impact on African Americans (H, Geo/C, E); and

(D) analyze how environmental changes impacted African American communities, including land use, settlement patterns, and urban development (Geo/C, E).

(8) The student understands ways in which African Americans have addressed opportunities, challenges, and strategies concerning economic well-being over time. The student is expected to:

(A) analyze the effects of the Industrial Revolution and the roles of "King Cotton" and the cotton gin in the economies of the United States and the world (H, Geo/C, E);

(B) explain how sharecropping and redlining limited economic opportunities for African Americans (G/Civ, E);

(C) explain how economic conditions and racism contributed to the Great Migration (Geo/C, E);

(D) evaluate the economic impact of the American labor movement and unionism on African Americans from the late 19th century to today (G/Civ, E);

(E) analyze how various geographic, cultural, social, political, and financial factors influenced the economic mobility of African Americans, including skin color, wealth, and educational background (G/Civ, Geo/C, E);

(F) evaluate the effectiveness of various approaches African Americans have used to solve economic issues (E);

(G) trace the rise and development African American businesses and entrepreneurship from the late 19th century to today (Geo/C, E); and

(H) examine the contributions of African American and Black American Business entrepreneurship, including Black Wall Street, black inventors, and the black experience in business, and the economic contributions of individuals, including Madame C. J. Walker and Maggie L. Walker (Geo/C, E).

(9) The student understands the significant impact of political decisions on African Americans throughout history. The student is expected to:

(A) compare and contrast how political perspectives of free and enslaved African Americans in the late 1700s and early 1800s were influenced by the unalienable rights expressed in the Declaration of Independence and civil rights in the Bill of Rights (G/Civ);

(B) explain the regional perspectives toward political rights of African American men and women from the early years of the republic through 1877 (G/Civ, Geo/C);

(C) analyze the construction, interpretation, and implementation of the 13th, 14th, and 15th Amendments to the U.S. Constitution and the effects on African American men and women between 1877 and 1920 (G/Civ);

(D) analyze how government policies, court actions, and legislation impacted African Americans from the 1920s through the 1950s (G/Civ);

(E) analyze the causes and effects of government actions and legislation addressing racial and social injustices from 1960 to the present day, including the issues of voting rights, civil rights, fair housing, education, employment, affirmative action, the War on Crime, the War on Drugs, mass incarceration, and health and nutrition (G/Civ, Geo/C, E); and

(F) analyze how the changing political environment has impacted civil rights from the late 20th century to the present (G/Civ).

(10) The student understands the impact of political interactions on the African American struggle for human rights over time. The student is expected to:

(A) analyze examples of conflict and cooperation between African Americans and other groups in the pursuit of individual freedoms and civil rights, including the Freedom Riders and the Memphis Sanitation Workers Strike (G/Civ, E);

(B) explain how various philosophies and ideologies influenced the African American experience for social, political, and legal equality, including fair housing, equal opportunity, affirmative action, and voting rights (G/Civ, Geo/C, E); and

(C) identify the contributions of African American leaders at local, state, and national levels of government (G/Civ).

(11) The student understands the importance of multiple and changing points of view regarding citizenship of African Americans. The student is expected to:

(A) trace how perceptions of the rights and civic responsibilities of African Americans have changed over time, including the idea of being considered property with no rights under slavery (H, G/Civ, Geo/C);

(B) analyze how regional differences influenced political perspectives of African American communities (G/Civ, Geo/C);

(C) analyze the significance and associations of identity nomenclature relevant to African Americans, including Negro and Black (H, Geo/C);

(D) analyze selected contemporary African American issues that have led to diverse points of view in public discourse, including rights and activism (G/Civ); and

(E) identify and describe the diversity of peoples of African ancestry, including Afro-Latinos, Afro-Caribbeans, and recent African immigrants (Geo/C).

(12) The student understands the development of African American culture and society and the impact of shared identities and differing experiences. The student is expected to:

(A) analyze the impact of assimilation, stereotypes, de facto practices, and oppression on the lives of African Americans (Geo/C);

(B) analyze ways in which African Americans have retained cultural identity over time while adapting to and contributing to mainstream American culture (Geo/C); and

(C) analyze the various cultural practices that have shaped the individual and collective identity of African Americans over time to understand shared and differing experiences (Geo/C).

(13) The student understands the cultural traditions and contributions of African Americans from the colonial era through Reconstruction. The student is expected to:

(A) identify and describe the influence of African oral traditions, visual art, literary art, theater, music, and dance on African American culture (Geo/C);

(B) describe the influence of enslavement on African American culture (Geo/C);

(C) identify the contributions of early African American literature, including the works of Jupiter Hammon and Phillis Wheatley (Geo/C);

(D) explain the origins and characteristics of different musical genres and traditions of African Americans (Geo/C); and

(E) describe the expanding influence of African American music through the work of performers, including the Fisk Jubilee Singers (Geo/C).

(14) The student understands the influence of artistic expression on the African American experience and American culture from Reconstruction to the present. The student is expected to:

(A) describe the development and influence of blues, ragtime, jazz, and hip hop music, including the achievements of composers Scott Joplin and James Reese Europe (Geo/C);

(B) describe how various African American expressions of dance forms, including tap dance, step dance, hip hop, and modern dance, and the contributions of African American dancers, including the Dance Theater of Harlem, Katherine Dunham, Bill "Bojangles" Robinson, Alvin Ailey, and Misty Copeland, have contributed to the shared identity of various groups (Geo/C);

(C) explain the lasting impact of the Harlem Renaissance on American culture and society, including the achievements of Louis Armstrong, Josephine Baker, Duke Ellington, Langston Hughes, Sargent Johnson, Jules Bledsoe, Paul Robeson, Augusta Savage, and James VanDerZee (Geo/C);

(D) describe the reactions to and the influence of selected works by African American authors, including "The Souls of Black Folk" by W.E.B. Du Bois, "Native Son" by Richard Wright, "Their Eyes Were Watching God" by Zora Neale Hurston, "Beloved" by Toni Morrison, and "Eyes on the Prize" by Henry Hampton (Geo/C);

(E) describe storytelling, literary, filmmaking, and visual arts contributions related to self-identity made by African Americans, including Oscar Micheaux, John T. Biggers, James Baldwin, Lorraine Hansberry, Amiri Baraka, Sidney Poitier, Maya Angelou, Faith Ringgold, August Wilson, bell hooks, Spike Lee, John Singleton, and Oprah Winfrey (Geo/C);

(F) describe how characteristics of African American history and culture have been reflected in various genres of art, music, film, theatre, visual arts, and dance (Geo/C); and

(G) analyze the impact of popular culture on African Americans during significant eras (Geo/C).

(15) The student understands African American educational developments, achievements, and opportunities before and after the U.S. Supreme Court decision of Brown v. Board of Education (1954). The student is expected to:

(A) describe the efforts to prevent the education of enslaved people and free African Americans, including anti-literacy laws (G/Civ, Geo/C);

(B) analyze the expansion of educational opportunities for African Americans, including the Freedman's Bureau, Rosenwald Schools, the Second Morrill Act (1890), the establishment of Historically Black Colleges and Universities, and the role of the National Pan-Hellenic Council (Divine 9) (H, G/Civ, Geo/C); and

(C) describe contemporary issues in education for African American students, including the school-to-prison pipeline, opportunity gaps, overrepresentation in special education, and underrepresentation in gifted and talented opportunities (G/Civ, Geo/C).

(16) The student understands how African American achievements in science and technology have contributed to economic and social development in the United States. The student is expected to:

(A) identify examples of how advances made by African civilizations in areas, including astronomy, mathematics, architecture, and engineering, have contributed to science and technology in the United States (Geo/C);

(B) identify examples of how industrialization was influenced by African Americans over time (H, Geo/C); and

(C) describe the contributions of significant African American individuals to science, philosophy, mathematics, and technology, including Benjamin Banneker, George Washington Carver, Granville Woods, Mary Jackson, Katherine Johnson, Henrietta Lacks, Dorothy Vaughan, Mae Jemison, and Neil deGrasse Tyson (H, Geo/C).

(17) The student understands how historians use historiography to interpret the past and applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:

(A) analyze primary and secondary sources, including maps, graphs, speeches, political cartoons, and artifacts, to acquire information to answer historical questions (S);

(B) analyze information by applying absolute and relative chronology through sequencing, categorizing, identifying cause-and-effect relationships, comparing and contrasting, finding the main idea, summarizing, making generalizations, making predictions, drawing inferences, and drawing conclusions (S);

(C) apply the process of historical inquiry to research, interpret, and use multiple types of sources of evidence (S);

(D) evaluate the validity of a source based on corroboration with other sources and information about the author, including points of view, frames of reference, and historical context (S); and

(E) identify bias and support with historical evidence a point of view on a social studies issue or event (S).

(18) The student communicates in written, oral, and visual forms. The student is expected to:

(A) create written, oral, and visual presentations of social studies information using effective communication skills, including proper citations and avoiding plagiarism (S); and

(B) use social studies terminology correctly (S).

(19) The student uses geographic tools to collect, analyze, and interpret data. The student is expected to:

(A) create a visual representation of historical information, including hematic maps, graphs, and charts (S); and

(B) pose and answer questions about geographic distributions and patterns shown on maps, graphs, charts, and available databases (S).

(20) The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution (S).

The agency certifies that legal counsel has reviewed the 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 May 4, 2026.

TRD-202601893
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER D. OTHER SOCIAL STUDIES COURSES

19 TAC §113.127

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.127. Advanced Placement (AP) Business with Personal Finance (One Credit).

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2026-2027 school year.

(b) General requirements. Students shall be awarded one credit for successful completion of this course. One-half credit may be used to meet the course requirement for personal financial literacy for state graduation and one-half credit may be used to meet elective course requirements.

(c) Content requirements. Content requirements for Advanced Placement (AP) Business with Personal Finance are prescribed in the College Board Publication *Advanced Placement Course Description in Business with Personal Finance*, published by The College Board.

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

Filed with the Office of the Secretary of State on May 4, 2026.

TRD-202601894
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 128. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SPANISH LANGUAGE ARTS AND READING AND ENGLISH AS A SECOND LANGUAGE

The State Board of Education (SBOE) proposes new §§128.10, 128.30, and 128.70, concerning Texas Essential Knowledge and Skills (TEKS) for Spanish language arts and reading and English as a second language. The proposed new sections would add lists of literary works to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

BACKGROUND INFORMATION AND JUSTIFICATION: The 88th Texas Legislature, Regular Session, 2023, passed HB 1605 relating to instructional material and technology. HB 1605 added Texas Education Code (TEC), §28.002(c-4), which requires the SBOE, in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade

level. A discussion item at the November 2025 SBOE meeting provided an opportunity for the Committee of the Full Board to discuss recommendations from the commissioner of education for literary works to be taught in each grade level as required by HB 1605. At the January 2026 meeting, the SBOE postponed first reading and filing authorization of proposed new 19 TAC §§128.10, 128.30, and 128.70 until the April 2026 meeting.

The proposed new sections would adopt literary works lists required to be taught in English and Spanish language arts and reading in Kindergarten-Grade 12.

The SBOE approved the proposed new sections for first reading and filing authorization at its April 10, 2026 meeting.

FISCAL IMPACT: Shannon Trejo, deputy commissioner for school programs, has determined that for the first five years the proposal is in effect (2026-2030), there are no additional costs to state government. There will be fiscal implications for school districts and charter schools to implement the proposed literary works lists, which would include the purchase of the literary works and may also include the need for professional development and revisions to district-developed curriculum and scope and sequence documents. Since instructional material purchases and curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by adding lists of required literary works to the TEKS for reading language arts.

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: Dr. Trejo has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure that all students in the state of Texas have the opportunity to read the same literary works. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins May 15, 2026, and ends at 5:00 p.m. on June 15, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2026 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 15, 2026.

SUBCHAPTER A. ELEMENTARY

19 TAC §128.10

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.10. Literary Works Lists, Kindergarten-Grade 5, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(6) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(6) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§128.2-128.7 of this chapter (relating to Spanish Language Arts and Reading, Kindergarten, Adopted 2017; Spanish Language Arts and Reading, Grade 1, Adopted 2017; Spanish Language Arts and Reading, Grade 2, Adopted 2017; Spanish Language Arts and Reading, Grade 3, Adopted 2017; Spanish Language Arts and Reading, Grade 4, Adopted 2017; and Spanish Language Arts and Reading, Grade 5, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(6) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level.

When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Students in Kindergarten-Grade 4 are still developing proficiency in beginning reading and writing skills. Specific reading material used to develop those reading and writing skills, including decodable readers and grammar and handwriting guidance documents, are necessary to support that instruction but are not referenced in this section. Student expectations related to listening and speaking in those grades can be supported by exposing students to a range of literary works with more complex vocabulary. Consequently, certain literary works required by this section in Kindergarten-Grade 4 are noted as being recommended for implementation as being read aloud to the student as noted in the figures in subsection (f)(1)-(6) of this section. Even if a literary work is listed with a recommendation that it be read aloud, it may be read directly by students when appropriate, potentially with adult assistance. If a literary work is not listed with a recommendation that it be read aloud, it must be read by students, with adult assistance where necessary.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Kindergarten list, entitled "Required Spanish Literary Works - Kindergarten."
Figure: 19 TAC §128.10(f)(1)

(2) Grade 1 list, entitled "Required Spanish Literary Works - Grade 1."
Figure: 19 TAC §128.10(f)(2)

(3) Grade 2 list, entitled "Required Spanish Literary Works - Grade 2."
Figure: 19 TAC §128.10(f)(3)

(4) Grade 3 list, entitled "Required Spanish Literary Works - Grade 3."
Figure: 19 TAC §128.10(f)(4)

(5) Grade 4 list, entitled "Required Spanish Literary Works - Grade 4."
Figure: 19 TAC §128.10(f)(5)

(6) Grade 5 list, entitled "Required Spanish Literary Works - Grade 5."
Figure: 19 TAC §128.10(f)(6)

(g) All titles must be taught, either in English or in Spanish. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.

(h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(6) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(6) of this section or the information maintained on the TEA website.

(i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(6) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601888
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §128.30

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.30. Literary Works Lists, Grade 6 and English Learners Language Arts (ELLA), Grades 7 and 8, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(3) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each

required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(3) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§128.21-128.23 of this chapter (relating to Spanish Language Arts and Reading, Grade 6, Adopted 2017; English Learners Language Arts (ELLA), Grade 7, Adopted 2017; and English Learners Language Arts (ELLA), Grade 8, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(3) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed copies of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Grade 6 list, entitled "Required Spanish Literary Works - Grade 6."
Figure: 19 TAC §128.30(f)(1)

(2) ELLA Grade 7 list, entitled "Required Literary Works - Grade 7."
Figure: 19 TAC §128.30(f)(2)

(3) ELLA Grade 8 list, entitled "Required Literary Works - Grade 8."
Figure: 19 TAC §128.30(f)(3)

(g) All titles must be taught, either in English or in Spanish. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.

(h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(3) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(3) of this section or the information maintained on the TEA website.

(i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(3) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601889
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

SUBCHAPTER C. HIGH SCHOOL

19 TAC §128.70

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.70. Literary Works Lists, High School, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).

(b) The literary works included in the figures in subsection (f)(1) and (2) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1) and (2) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §128.34 and §128.35 of this chapter (relating to English I for Speakers of Other Languages (One Credit), Adopted 2017; and English II for Speakers of Other Languages (One Credit), Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1) and (2) of this section. The literary works required by this section represent the minimum literary works

to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.

(d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) English I for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL I."
Figure: 19 TAC §128.70(f)(1)

(2) English II for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL II."
Figure: 19 TAC §128.70(f)(2)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1) and (2) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1) and (2) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1) and (2) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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 May 4, 2026.

TRD-202601890
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

CHAPTER 153. SCHOOL DISTRICT PERSONNEL

SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS

19 TAC §153.1201, §153.1253

The Texas Education Agency (TEA) proposes an amendment to §153.1201 and new §153.1253, concerning the registry of persons not eligible for employment in public schools. The proposed revisions would amend §153.1201, Definitions, and add new §153.1253, Temporary Inclusion in Registry, to provide clarification to existing statutory provisions and implement the requirements of Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: SB 571 was passed by the 89th Texas Legislature, Regular Session, 2025, and created Texas Education Code (TEC), §22A.152, Temporary Inclusion in Registry Based on Continuing and Imminent Threat to Public Welfare, which requires the commissioner of education to adopt rules to temporarily place a person in the registry of persons not eligible for employment in public schools if the commissioner determines that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to public welfare. SB 571 also created TEC, §22A.153, Temporary Inclusion in Registry for Certain Arrests, which requires the commissioner to adopt rules to temporarily include a person who is employed by or acting as a service provider for an educational entity in the registry if the person is arrested for an offense listed in TEC, §22A.201(a).

Pursuant to these statutory changes, the proposed amendment to §153.1201 would add definitions for the terms "appropriate boundary" and "inappropriate communication" in new subsections (b) and (d). The new definitions would implement the requirements of TEC, §22A.051 and §22A.052, which require a superintendent or director of an educational entity to report misconduct to the commissioner, specifically, inappropriate communications and failure to maintain appropriate boundaries with a student or minor as defined in State Board for Educator Certification (SBEC) rule. The remaining terms would be alphabetized with no changes to the definitions.

Proposed new §153.1253 on temporary inclusions would implement the requirements of TEC, §22A.152 and §22A.153. The proposed new section would increase the commissioner's authority by rule to resolve allegations of misconduct or abuse by non-certified school personnel and determine whether placement on the do not hire registry is warranted. Specifically, the proposed new section would expand the commissioner's authority to place an individual on the registry if it is determined

that the individual's continued employment or provision of services at an educational entity constitutes a continuing and imminent threat to the public welfare or the person is arrested for an offense listed under TEC, §22A.201(a), and is employed by or acting as a service provider for an educational entity.

FISCAL IMPACT: Von Byer, general counsel, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by adopting §153.1253 to implement TEC, §22A.152 and §22A.153. The proposed rulemaking would also expand an existing regulation by amending §153.1201 to add new definitions to implement the requirements of TEC, §22A.051 and §22A.052, which require a superintendent or director of an educational entity to report misconduct to the commissioner, specifically inappropriate communications and failure to maintain appropriate boundaries with a student or minor as defined in SBEC rule.

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 the rules applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Byer has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide the commissioner with the ability to remove individuals from schools in instances of arrests, preventing access to students by individuals who are currently under criminal investigation or indictment until such time it can be determined that their continued presence is not a threat to students through dismissal of criminal allegations or, in the alternative, would provide a framework to permanently include individuals in cases of criminal adjudication for a qualifying offense. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would require a written report or other paperwork but does not specifically require a principal or classroom teacher to complete the report or paperwork. However, local district decisions may vary. Regardless, the proposal would impose the least burdensome requirement possible to achieve the objective of the rule since schools are statutorily required to report instances of misconduct and child abuse to TEA and law enforcement by the TEC, Texas Family Code, and Texas Code of Criminal Procedure.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins May 15, 2026, and ends June 15, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 15, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/.

STATUTORY AUTHORITY. The amendment and new section are proposed under Texas Education Code (TEC), §22A.052, as added by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which requires the superintendent or director of an educational entity to report misconduct as outlined in TEC, §22A.051, to the commissioner; TEC, §22A.152, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to temporarily include a person in the registry if the commissioner, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, determines that the person's continued employment at or provision of services to an educational entity constitutes continuing and imminent threat to the public welfare; and TEC, §22A.153, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to temporarily include a person who is employed by or acting as a service provider for an educational entity if the person is arrested for an offense under TEC, §22A.201(a).

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §§22A.052, 22A.152, and 22A.153, as added by SB 571, 89th Texas Legislature, Regular Session, 2025.

§153.1201. Definitions.

(a) Abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).

(b) Appropriate boundary--For purposes of this subchapter, an appropriate boundary is a separation between an employee or service provider and a student that maintains an appropriate professional relationship between the two, based on a reasonably prudent person standard. Factors that may be considered in context and in the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(1) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(2) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;

(3) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(4) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(5) showing favoritism or isolation through gifts, rewards, or privileges.

(c) Employee--A person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification under Texas Education Code (TEC), Chapter 21, Subchapter B.

(d) Inappropriate communication--An oral or written communication between an employee or service provider and a student or minor, whether made in person or remotely, including, but not limited to, a hand-delivered or mailed note or letter, a telephone call made by landline or mobile network, and an electronic communication such as text message, email, instant message, blog entry, or other online social network communication that does not maintain an appropriate boundary. Factors that may be considered in context and in the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(1) the nature, purpose, timing, and amount of the communication;

(2) the subject matter of the communication;

(3) whether the communication was made openly or the employee or service provider attempted to conceal the communication;

(4) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(5) whether the communication was sexually explicit;

(6) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or service provider or the student; and

(7) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

(e) Nonprofit teacher organization--An organization approved by the commissioner to participate in a tutoring program under TEC, §33.913.

(f) Private school--A non-public school that offers a course of instruction for students in Texas in one or more grades from Prekindergarten-Grade 12 and is:

(1) accredited by an organization that is monitored and approved by the Texas Private School Accreditation Commission;

(2) listed in the National Center for Education Statistics database; or

(3) a child care provider that is licensed by the Texas Health and Human Services Commission.

(g) [~~(a)~~] Solicitation of sexual contact--Deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

(1) behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:

(A) the nature of the communications;

(B) the timing of the communications;

(C) the extent of the communications;

(D) whether the communications were made openly or secretly;

(E) the extent that the employee attempts to conceal the communications;

(F) if the employee claims to be counseling a student, the commissioner [~~of education~~] may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and

(G) any other evidence tending to show the context of the communications between employee and student;

(2) making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;

(3) making sexually demeaning comments to a student;

(4) making comments about a student's potential sexual performance;

(5) requesting details of a student's sexual history;

(6) requesting a date, sexual acts, or any activity intended for the sexual gratification of the employee;

(7) engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;

(8) inappropriate hugging, kissing, or excessive touching;

(9) providing the student with drugs or alcohol;

(10) violating written directives from school administrators regarding the employee's behavior toward a student;

(11) suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and

(12) any other acts tending to show that the employee solicited sexual contact with a student.

[~~(b) Abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).~~]

[(c) Private school--A non-public school that offers a course of instruction for students in Texas in one or more grades from Prekindergarten-Grade 12 and is:]

[(1) accredited by an organization that is monitored and approved by the Texas Private School Accreditation Commission;]

[(2) listed in the National Center for Education Statistics database; or]

[(3) a child care provider that is licensed by the Texas Health and Human Services Commission.]

[(d) Employee--A person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification under Texas Education Code, Chapter 21, Subchapter B.]

[(e) Nonprofit teacher organization--An organization approved by the commissioner of education to participate in a tutoring program under Texas Education Code, §33.913.]

§153.1253. Temporary Inclusion in Registry.

(a) In determining whether a person will be temporarily included in the registry of persons not eligible for employment in Texas public schools under Texas Education Code (TEC), §§22.092, 22A.152 and 22A.153, the commissioner of education or designee shall temporarily include a person in the registry if:

(1) based on evidence or information presented to the commissioner or designee regarding a complaint alleging misconduct by the person, the commissioner or designee determines that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare. In determining whether a continuing and imminent threat to the public welfare under Texas Education Code (TEC), §22A.152, exists, the commissioner or designee shall consider:

(A) if there is a real danger to a student or to the public from the acts or omissions of the person, including, but not limited to, solicitation, engagement of a romantic relationship, neglect, or abuse;

(B) whether the harm alleged is more than abstract, hypothetical, or remote;

(C) both the actions and inactions of the person;

(D) whether the conduct occurred on or off a school district campus; and

(E) whether there have been prior complaints, investigations, or discipline of the same or similar nature against the person; or

(2) the person is arrested for an offense listed under TEC, §22A.201(a), and is employed by or acting as a service provider for an educational entity.

(b) Under this section, evidence will be considered under the relaxed standard described in Texas Government Code, §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 susceptible to proof under formal rules of evidence and not precluded by statute.

(c) If the commissioner or designee temporarily includes a person on the registry, the inclusion shall have immediate effect, and the commissioner or designee will sign an order of temporary inclusion. The order of temporary inclusion shall be sent to the respondent via email or first-class mail.

(d) In accordance with TEC, §22A.152(b), a person may be included without notice to the respondent if, at the time of the inclusion, Texas Education Agency (TEA) staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary inclusion and a hearing is held as soon as possible under TEC, §22A.152, and Texas Government Code, Chapter 2001.

(e) At the probable cause hearing, an administrative law judge (ALJ) shall determine whether there is probable cause to continue the temporary inclusion of the person and issue an order on that determination.

(f) SOAH shall hold a hearing no later than 61 days from the date of the temporary inclusion or the date of the final disposition if the temporary inclusion is issued under TEC, §22A.153. At this hearing, TEA staff shall present evidence supporting the continued inclusion of the person and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."

(g) 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.

(h) Following the final hearing, the ALJ shall issue a proposal for decision on the inclusion. The proposal for decision may also address any other additional violations related to the respondent.

(i) For purposes of inclusion or restriction under TEC, §22A.153, final disposition of a criminal case includes evidence of:

(1) a final, non-appealable conviction;

(2) acceptance and entry of a plea agreement;

(3) dismissal;

(4) acquittal; or

(5) successful completion of a deferred adjudication.

(j) A temporary inclusion takes effect immediately and shall remain in effect until:

(1) a final or superseding order of the commissioner or designee is entered;

(2) TEA 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 inclusion under TEC, §22A.153; or

(3) the ALJ issues an order determining that there is no probable cause to continue the temporary inclusion under TEC, §22A.152.

(k) Upon final disposition of a criminal case, a person may submit a written request prior to a final hearing requesting removal from the registry. Upon receipt, TEA staff shall verify any and all related dispositions prior to removal. The request must include:

(1) a certified copy of records listed in subsection (i) of this section; and

(2) a written confirmation that any related dispositions are not subject to TEC, §22A.201(a).

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 May 4, 2026.

TRD-202601895
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 173. OFFICE-BASED ANESTHESIA SERVICES

SUBCHAPTER B. PARENTERAL KETAMINE THERAPY

22 TAC §§173.6 - 173.18

The Texas Medical Board (Board) proposes new rule concerning Chapter 173, Office-Based Anesthesia Services, Subchapter B, concerning Parenteral Ketamine Therapy, §§173.6 - 173.18.

The proposed new sections are as follows:

New §173.6, Definitions, sets forth definitions for ketamine administration and psychotropic ketamine therapy (PKT).

New §173.7, Exception for Licensed Hospice Provider, provides an exception to the application of the rules under the subchapter for patients enrolled in a hospice program licensed by Texas Health and Human Services.

New §173.8, Mandatory Registration, requires registration for practice settings providing psychotropic ketamine therapy and provides exceptions to registration for certain practice settings.

New §173.9, Operation of PKT Clinics, sets forth requirements for operation of clinics providing PKT and limits the administration of psychotropic ketamine therapy to physicians and midlevel providers. The new section further specifies training, certification, patient monitoring, emergency management and consultation and delegation requirements for the provision of psychotropic ketamine therapy. The new section provides that delegating physicians are limited to delegating to no more than six delegates total or delegates at no more than three PKT clinics, whichever is less.

New §173.10, Physician Requirements, sets forth requirements for physicians ordering PKT for psychiatric indications. The requirements include education and training, delegation, Prescription Monitoring Program verifications, maintenance of ASA guidelines for moderate sedation, and pregnancy verification for women of child-bearing age.

New §173.11, Minimum Standards When Administering PKT, sets forth minimum standards related to medical record documentation, patient evaluation, diagnosis, informed consent, time out procedures, continuous monitoring; and equipment standards when providing psychotropic ketamine therapy.

New §173.12, Monitoring Requirements During PKT Administration, sets forth additional requirements for administering or delegating physicians to ensure adequate monitoring during PKT administration, until complete.

New §173.13, Monitoring Requirements After the Completion of PKT Administration, sets forth monitoring requirements for patients upon completion of PKT administration and prior to discharge.

New §173.14, Minimum Equipment Requirements, sets forth on-site equipment requirements for continuous monitoring and in cases of emergency.

New §173.15, Prohibited PKT Administration, provides that the following prohibitions on parenteral PKT apply: the administration of PKT outside of a registered clinic or an exempt setting set forth under Section 173.8 and the prescribing of PKT for home use.

New §173.16, Complaints and Investigations, clarifies that the medical director and physician owner(s) are responsible for the clinic's operations and regulatory compliance.

New §173.17, Renewal of PKT Clinic Registration, sets forth a registration term of two years and registration renewal requirements.

New §173.18, Audits, Inspections, and Investigations, mandates that psychotropic ketamine therapy clinics be subject to audits, inspections and investigations as outlined in Chapter 172 of the Board rules related to pain management clinics.

Mr. Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed new rules are in effect, the public benefit anticipated as a result of enforcing these proposed new rules will be to enhance the safety of the public health and welfare through the establishment of minimum standards for the provision of psychotropic ketamine therapy.

Mr. Freshour has also determined that for the first five-year period these proposed new rules are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed new sections are in effect there may be a minimal economic cost to individuals required to comply with these proposed sections. Those economic costs will vary and may include the following: 1) new education and training requirements for ketamine clinic providers and staff; 2) possible increased staffing to meet requirements for the evaluation of patients and administering and monitoring of patients receiving PKT; and 3) costs related to purchasing equipment required for monitoring patients receiving PKT treatment. The expenditures described above will be one-time expenditures and may not apply if an individual subject to these rules already meets the requirements.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these proposed new sections and determined that for each year of the first five years these proposed new sections will be in effect there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed new sections and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed, and the agency has determined that for each year of the first five years these proposed new sections are in effect:

(1) TMB is unable to determine how many clinics exist at this time; however, the initial registration function can likely be absorbed with existing resources. The subsequent enforcement, if any, is variable based on the number of complaints received. TMB also has inspection authority which will be conducted with existing resources in a manner similar to the existing office-based anesthesia inspections. There is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed new sections; the jurisdiction is exclusive to the Texas Medical Board.

(2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed new sections;

(3) there is no estimated loss and no increase in revenue to the state or to local governments as a result of enforcing or administering these proposed new sections; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed new sections.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on local economy and local employment.

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

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

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

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

(4) the proposed rules do not require an increase in fees paid to the agency;

(5) the proposed rules do create a new regulation;

(6) the proposed rules do not expand, limit, or repeal an existing regulation;

(7) the proposed rules do increase the number of individuals subject to the rule's applicability; and

(8) the proposed rules do not positively or adversely affect this state's economy.

Comments on the proposal may be submitted using this link https://forms.cloud.microsoft/g/WrgW5yPyKm or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed new rule(s) are proposed pursuant to Texas Occupations Code Section 153.001.

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

§173.6. Definitions.

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

(1) Ketamine Administration--The administration of parenteral ketamine (IV, subcutaneous and IM) is the practice of medicine under Section 157.002 of the Act and is subject to regulation by the Texas Medical Board, including required registration under this Chapter.

(2) Psychotropic Ketamine Therapy (PKT)--The administration of parenteral ketamine in a low-dose for psychiatric indications that have been evaluated and diagnosed by a physician such as PTSD, treatment-resistant depression and suicidal ideation.

§173.7. Exception for Licensed Hospice Provider.

The rules promulgated under this Subchapter do not apply to hospice programs licensed by the Texas Health and Human Services Commission with regard to the administration of ketamine to patients enrolled in such hospice programs.

§173.8. Mandatory Registration.

(a) Any medical practice, clinic or facility providing PKT must be registered with the Board, except the following:

(1) a medical school or an outpatient clinic associated with a medical school;

(2) a hospital, including any outpatient facility or clinic of a hospital;

(3) a facility maintained or operated by this state;

(4) a medical clinic maintained or operated by the United States; or

(5) a health organization certified by the board under Section 162.001 of the Act.

(b) Registration requires completion of a board-approved application filed by a physician owner or medical director of the clinic including providing all required information and documentation.

(c) Applications are valid for 180 days from the date of submission. If the applicant fails to provide all required information and documentation the application will be deemed withdrawn.

(d) If the application is approved, the registration is good for two years from the date of approval.

§173.9. Operation of PKT Clinics.

(a) The provision of PKT must comply with all applicable federal and state laws.

(b) The physician prescribing PKT for psychiatric indications must have successfully completed within the past two years a formal airway management education or must have completed a course on airway management for moderate sedation and:

(1) training in mental health treatment; or

(2) a course on the use of ketamine for psychiatric conditions.

(c) The physician ordering the PKT must have a properly established physician-patient relationship and have properly documented and diagnosed psychiatric indications supporting PKT.

(d) PKT may be administered only by a physician, certified registered nurse anesthetist (CRNA), advanced practice registered nurse (APRN), or physician assistant (PA) acting under appropriate delegation by a licensed physician for psychiatric indication as identified in the definition of PKT.

(e) If the patient is simultaneously receiving ketamine treatment for any other medical condition, such as pain, then the physician

must follow whichever standards or requirements are stricter, such as rules governing standards for office-based anesthesia, relating to Subchapter A of this Chapter.

(f) A CRNA, APRN, or PA working under physician delegation to administer PKT, or a CRNA, APRN, PA, or registered nurse (RN) working under physician delegation to monitor a patient during and after administration of PKT must have successfully completed within the past two years a formal airway management education or must have completed a course on airway management for moderate sedation.

(g) There must be a physician, CRNA, APRN, PA, or RN present as required in §173.11 of this Subchapter (relating to Minimum Standards When Administering PKT) and §173.12 of this Subchapter (relating to Monitoring Requirements During PKT Administration).

(h) In cases requiring consultation, the physician owner, medical director, or delegating physician must be immediately available throughout the PKT administration as follows:

(1) in-person on-site; or

(2) by two-way audiovisual technology.

(i) In cases requiring emergency management, if the physician owner, medical director, or delegating physician is not in-person on-site, then the physician owner, medical director, or delegating physician must have the ability to be on-site within 30 minutes by ground transportation.

(j) Any location administering PKT must keep and maintain an adverse event reporting log, organized by year. Each log must be maintained for a period of at least three years. The log must list any event involving airway intervention, EMS transport, hospitalization, or death. The log must include the following information:

(1) patient name;

(2) date of adverse event;

(3) type of adverse event; and

(4) outcome, if known.

(k) A physician owner, medical director, or delegating physician must physically inspect each clinic site once every 30 days.

(l) A medical director shall:

(1) be limited to registering and acting as medical director for a maximum of three PKT clinics; and

(2) meet the requirements of the prescribing physician under subsection (b) of this section.

(m) The physician owner or medical director may designate one or more delegating physicians who must be the physician ordering the PKT. Any delegating physician shall:

(1) be limited to delegating to no more than six delegates total or delegates at no more than three PKT clinics, whichever is less; and

(2) meet the requirements of the prescribing physician under subsection (b) of this section.

§173.10. Physician Requirements.

(a) The physician ordering PKT for psychiatric indications must have successfully completed:

(1) training in mental health treatment; or

(2) a course on the use of ketamine for psychiatric conditions.

(b) The physician ordering PKT must have a properly established physician-patient relationship and have properly documented and diagnosed psychiatric indications supporting PKT.

(c) The physician ordering PKT must ensure that the patient evaluation, the administration of PKT, and the monitoring of the patient meets the latest moderate sedation guidelines as published by the American Society of Anesthesiologists, depending on the intended level of anxiolysis or sedation to be achieved.

(d) The following physicians shall be considered equally responsible for meeting the American Society of Anesthesiologists moderate sedation guidelines, depending on the intended level of anxiolysis or sedation to be achieved, for all patients being treated with PKT regardless if the patient was treated by a physician, CRNA, APRN, or PA:

(1) the physician owner;

(2) the medical director; and

(3) the delegating physician.

(e) For women of childbearing age, a negative urine pregnancy test must be administered at the clinic on the day of treatment and documented in the records, unless it is documented in the medical record that such patient is medically unable to become pregnant.

(f) The physician ordering PKT must review the Prescription Monitoring Program when establishing a physician-patient relationship, and on at least a quarterly basis for existing patients.

(g) If the physician ordering PKT delegates the administration of PKT, the physician ordering PKT must have protocols or standing delegation orders issued and maintained at the location where the PKT is being administered.

(h) When providing or delegating PKT services, physicians must ensure compliance with delegation and supervision laws under Chapter 157 of the Act and Chapter 169 of this title (relating to Delegation).

§173.11. Minimum Standards When Administering PKT.

(a) The following minimum standards must be met when PKT is administered:

(1) the PKT order from the delegating physician must be verified, if applicable;

(2) the physician is responsible for ensuring the standard of care is met;

(3) informed consent must be provided to the patient, including:

(A) a discussion of known risks of PKT; and

(B) the identity and licensure credentials of the person administering PKT;

(4) a time out period must be implemented immediately prior to beginning administration of PKT; and

(5) complete, contemporaneous, and legible medical records regarding patient monitoring and status must be maintained throughout the administration of PKT.

(b) Patient monitoring and status must include continuous appropriate physiologic monitoring of the patient, both during PKT administration and post administration until ready for discharge.

(c) Continuous monitoring for administration and discharge must include the following:

(1) blood pressure;

(2) pulse;

(3) respiration;

(4) oxygen saturation;

(5) cardiovascular status; and

(6) appropriate responsiveness to verbal stimuli.

(d) The administration of PKT is limited to a qualified physician, CRNA, APRN, or PA.

(e) If a physician is present on-site during the administration of PKT, then:

(1) the physician is limited to administering PKT to no more than four patients at a time; and

(2) if the physician is delegating the administration of PKT, then the physician has the discretion to allow each delegate to administer PKT to no more than four patients at a time.

(f) If a physician is not present on-site during the administration of PKT, then the delegating physician's delegate may not administer PKT to more than two patients at a time.

(g) If the administering physician or delegate is administering PKT to more than one patient simultaneously, then the administering physician or delegate cannot also be the sole person monitoring the patient during PKT administration.

(h) The administration of PKT is complete:

(1) Upon completion of the IV drip; or

(2) 40 minutes after the completion of the IM or subcutaneous injection.

§173.12. Monitoring Requirements During PKT Administration.

(a) In addition to the general monitoring requirements set forth in §173.11 of this Subchapter (relating to Minimum Standards When Administering PKT), the administering or delegating physician must ensure there is monitoring of each patient until the PKT administration is complete as follows:

(1) If the delegating physician is on-site, then the delegating physician has the discretion to allow no more than four patients to be monitored by a single monitoring physician, CRNA, APRN, PA or RN; or

(2) If the delegating physician is not on-site, then no more than one patient may be monitored by a single monitoring CRNA, APRN, PA or RN.

(b) The monitoring of PKT administration is limited to a qualified physician, CRNA, APRN, PA, or RN.

§173.13. Monitoring Requirements After the Completion of PKT Administration.

(a) Upon completion of the PKT administration, each patient must meet the following recovery and monitoring requirements prior to discharge:

(1) A minimum 30-minute observation period;

(2) at least two blood pressure readings 10 minutes apart; and

(3) a full cognitive assessment (including an Aldrete score).

(b) The recovery, monitoring, and discharge assessment of patients shall have a maximum ratio of one monitoring delegate to every four patients.

§173.14. Minimum Equipment Requirements.

(a) The following equipment must be utilized for continuous cardiorespiratory monitoring of the patient during and after administration of PKT:

(1) pulse oximetry; and

(2) incremental blood pressure checks.

(b) The following items must be on-site at all times and readily available, in case of an emergency:

(1) Supplemental oxygen,

(2) a bag-valve mask,

(3) an AED (or defibrillator) and

(4) an end-tidal carbon dioxide analyzer.

§173.15. Prohibited PKT Administration.

The following prohibitions on parenteral PKT apply:

(1) the administration of PKT outside of a registered clinic or an exempt setting set forth under §173.8 of this Subchapter (relating to Mandatory Registration); and

(2) the prescribing of PKT for home use.

§173.16. Complaints and Investigations.

The physician owner and medical director are responsible for the clinic's operations and patient care and ensuring compliance with all applicable regulations.

§173.17. Renewal of PKT Clinic Registration.

(a) Registration is effective for two years following the date of initial registration. At least 60 days prior to the expiration of the PKT registration, a physician, clinic or facility seeking renewal must submit:

(1) a board-approved application; and

(2) an attestation stating that the requirements, standards and equipment comply with all applicable laws and board rules.

(b) Upon expiration of the current registration, the clinic must cease PKT operations until the registration is renewed.

§173.18. Audits, Inspections, and Investigations.

PKT clinics are subject to audits, inspections and investigations as outlined in Chapter 172 of the Board rules related to pain management clinics.

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 May 1, 2026.

TRD-202601866
Scott Freshour
General Counsel
Texas Medical Board
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 305-7059

♦ ♦ ♦

PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 203. LICENSING AND ENFORCEMENT--SPECIFIC SUBSTANTIVE RULES

SUBCHAPTER C. ENFORCEMENT

22 TAC §203.36

The Texas Funeral Service Commission (Commission) proposes new §203.36 of Title 22, Part 10, Chapter 203 of the Texas Administrative Code (TAC), to be titled Inspection of Solid Waste Disposal and Sanitation Facilities. The proposed new rule establishes procedures, as required by Texas Occupations Code §651.158(b), for the inspection of a funeral establishment's solid waste disposal and sanitation facilities when those facilities have not been inspected by the Texas Department of State Health Services (DSHS).

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The proposed rule under 22 TAC, Chapter 203, implements Texas Occupations Code §651.158, Inspection of Certain Facilities.

Section 651.158(a) authorizes the Commission to require a funeral establishment that has solid waste disposal and sanitation facilities that have not been inspected by the Texas Department of Health to be inspected by Commission inspectors. (The Texas Department of Health was abolished and its functions transferred to DSHS under House Bill 2292, 78th Legislature, Regular Session, 2003, effective September 1, 2004; references in §651.158 to the Texas Department of Health should be read as references to DSHS.) Section 651.158(b) requires the Commission, by rule, to establish procedures for any inspection required under that section. This rule satisfies that statutory directive.

Specifically, proposed new §203.36 authorizes a funeral establishment whose solid waste disposal and sanitation facilities have not been inspected by DSHS to be inspected for compliance with the standards specified by DSHS by Commission inspectors.

The proposed rule does not establish new substantive sanitation standards; rather, it creates a procedural pathway for demonstrating compliance with existing DSHS-equivalent standards in circumstances in which DSHS has not itself performed an inspection. The proposed rule preserves the Commission's authority to require additional or independent inspection under §651.158 or other applicable law.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

The Interim Executive Director of the Commission has determined that, for each year of the first five years the proposed rule is in effect, there are no foreseeable increases or reductions in costs to state government resulting from enforcement or administration of the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT

The proposed rule will not affect a local economy. Therefore, the Commission is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

PUBLIC BENEFIT & PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

The Interim Executive Director has also determined that, for each year of the first five-year period the proposed rule is in effect, the public benefit will be: (1) clarification of the procedural pathway by which a funeral establishment whose solid waste disposal and sanitation facilities have not been inspected by DSHS may demonstrate compliance with applicable solid waste disposal and sanitation requirements; (2) protection of public health through verified sanitation compliance at funeral establishments; and (3) reduction of regulatory uncertainty for licensed funeral establishments.

The rule does not require any funeral establishment to expend funds for equipment, technology, staff, supplies, or infrastructure, unless it is not in compliance with DSHS Standards and does not impose any new fee payable to the Commission.

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

The proposed rule has no anticipated adverse economic effect on small businesses, micro- businesses, or rural communities that is distinct from the effect on any other funeral establishment. Therefore, an economic impact statement under Texas Government Code §2006.002 is not required.

REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule is necessary to protect the health, safety, and welfare of residents in Texas and is required to implement a legislative enactment. Therefore, the Commission is not required to provide a statement under Texas Government Code §2001.0045. Even if such a statement were required, the proposed rule does not impose a cost on regulated persons, another state agency, a special district, or a local government that exceeds the benefits of the rule. As a result, the Commission is not required to take any further action under §2001.0045.

TAKINGS IMPACT ASSESSMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

1) The proposed rule does not create or eliminate a government program.

2) Implementation of the proposed rule would not require the creation of new employee positions or the elimination of existing employee positions.

3) Implementation of the proposed rule would not require an increase or decrease in future legislative appropriations to the Commission.

4) The proposed rule does not require an increase or decrease in fees paid to the Commission.

5) The proposed rule creates a new regulation. As described above, the proposed rule is required by Texas Occupations Code §651.158(b), which directs the Commission to establish, by rule,

procedures for an inspection required under §651.158. The new regulation is created to comply with that statutory mandate.

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; the rule applies to the same class of licensed funeral establishments already subject to §651.158.

8) The proposed rule neither positively nor adversely affects this state's economy.

PUBLIC COMMENTS

Comments on the proposed rule may be submitted to Maria Haynes, Interim Executive Director, by e-mail to legal@tfsc.texas.gov or by mail to Texas Funeral Service Commission, Attn: Maria Haynes, 1801 Congress Avenue, Suite 11-800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY

The proposed rule is proposed under Texas Occupations Code §651.152, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 651 of the Occupations Code.

The proposed rule is also proposed pursuant to the authority set out in Texas Occupations Code §651.158(b), which requires the Commission, by rule, to establish procedures for an inspection of a funeral establishment's solid waste disposal and sanitation facilities required under §651.158(a) when those facilities have not been inspected by the Texas Department of Health (now the Texas Department of State Health Services).

Cross Reference. The new section implements Texas Occupations Code §651.158.

§203.36. Inspection of Solid Waste Disposal and Sanitation Facilities.

(a) Applicability. This section applies to a funeral establishment licensed or seeking licensure under Texas Occupations Code Chapter 651 whose solid waste disposal and sanitation facilities have not been inspected by the Texas Department of State Health Services (DSHS). As used in this section, references in Texas Occupations Code §651.158 to the Texas Department of Health are construed as references to DSHS, which has succeeded to the relevant functions of that agency.

(b) Authorization of Local Health Department Inspection. A funeral establishment described in subsection (a) of this section may satisfy any inspection requirement imposed by the Commission under Texas Occupations Code §651.158(a) by obtaining an inspection of its solid waste disposal and sanitation facilities from the municipal or county health department with jurisdiction over the physical location of the funeral establishment.

(c) Inspection Standards. A Commission inspector or local health department performing an inspection under this section shall apply the same sanitation and solid waste standards that DSHS applies, or would apply, to an inspection of a comparable funeral establishment facility, including any applicable standards adopted by DSHS under Health and Safety Code Chapters 341 and 343 and rules promulgated thereunder, currently specified at 25 Texas Administrative Code §1.136.

(d) Frequency. Unless the Commission requires inspection on a more frequent basis, a funeral establishment subject to this section shall obtain:

(1) an inspection under this section prior to the issuance of the establishment's initial license, if the facilities have not been inspected by DSHS; and

(2) a subsequent inspection under this section at least once every three years following the date of the most recent inspection, if DSHS has not performed an inspection during that period.

(e) Reservation of Commission Authority. Nothing in this section limits the authority of the Commission to:

(1) require additional inspection of a funeral establishment's solid waste disposal and sanitation facilities under Texas Occupations Code §651.158(a) or any other provision of law;

(2) accept a DSHS inspection in lieu of an inspection conducted under this section; or

(3) take disciplinary or enforcement action against a funeral establishment for any violation of Texas Occupations Code Chapter 651 or Commission rules.

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

Filed with the Office of the Secretary of State on May 4, 2026.

TRD-202601884
Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 936-3474

♦ ♦ ♦

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

22 TAC §206.9

The Texas Funeral Service Commission (Commission) proposes a new rule to Texas Administrative Code (TAC), Title 22, Part 10, Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs, §206.9, regarding the implementation of a donor acknowledgement form to be used by an adult of sound mind in Texas who is donating his or her body by will or other instrument to willed body programs and non-transplant anatomical donation organizations to be used for the advancement of medical or forensic science.

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The proposed rule under 22 TAC, Chapter 210, implements Texas Health and Safety Code Section 691.028, Donation of Body by Written Instrument.

The Texas Legislature amended Texas Health and Safety Code Section 691.028 to include a donor acknowledgment form as part of the informed consent requirements in order to make effective an adult's donation of his or her whole body to a university willed body program or a non-transplant anatomical donation or-

ganization to be used for the advancement of medical or forensic science. Section 691.028(b)(2) sets forth the elements that must be in the donor acknowledgment, and Section 691.028(b-1) requires the Commission, by rule, to design and adopt a form that complies with Section 691.028(b) that willed body programs and non-transplant anatomical donation organizations must use. This rule satisfies this statutory directive.

Specifically, proposed new §206.9 adopts the Commission prescribed Donor Acknowledgement Form that must be used by willed body programs and NADOs in order to use the decedent donor's body or body parts for the advancement of medical or forensic science if the decedent donated his or her body in a willed or written instrument. The proposed new rule further requires the elements that the donor acknowledgement form must include that are applicable to the particular willed body program and non-transplant anatomical donation organization.

Advisory Committee

State Anatomical Advisory Committee and stakeholder meetings were held on December 20, 2023 and January 17, 2024, to discuss the rules regarding the donor acknowledgment form and to implement Texas Health and Safety Code §§691.028(b)(2) and (b-1) requirements. An additional stakeholder meeting was held on April 28, 2026. Suggestions and comments made during those meetings are incorporated into the proposed rule.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Maria Haynes, Interim Executive Director, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated reductions in costs to state or local governments resulting from the enforcement or administration of the proposed rule. There are no foreseeable implications relating to the loss or increase of revenues to the state or local governments by enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT

The proposed rule will not affect the local economy. Therefore, the Commission is not required to prepare a local employment impact statement under §2001.22, Texas Government Code.

PUBLIC BENEFIT & PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Maria Haynes also determined that for each year of the first five-year period the proposed rule is in effect, the public benefit includes greater transparency to individuals who are potentially interested in donating their whole body for the advancement of medical or forensic science to a willed body program or non-transplant anatomical donation organization regarding how their whole body donation could be used, possible consequences of the whole body donation, and the final disposition of the individual's whole body donation after the willed body program or non-transplant donation organization is finished using the body for the advancement of medical or forensic science. This allows the individual to make an informed decision about his or her donation.

Another public benefit is that the proposed rule provides clarity to willed body programs and non-transplant anatomical donation organizations of the specific form that is required under Texas Health and Safety Code §§691.028(b)(2) and (b-1) to be provided to adults of sound mind who are donating their whole bodies for the advancement of medical or forensic science in a will or other written instrument.

The proposed rule has no significant economic costs to persons that are authorized or registered by the Commission under Texas Health and Safety Code Chapter 691, businesses, or the general public in Texas. The rule does not impose additional fees upon registered or authorized persons by the Commission. The requirements created by the proposed rule would not cause licensees to expend funds for equipment, technology, staff, supplies, or infrastructure. There may be costs associated with printing the donor acknowledgement form to provide to the potential adult donor, but such costs would be de minimis.

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

The proposed rule has no anticipated adverse economic effect on small businesses, micro-businesses, or rural communities. Therefore, an economic impact statement is not required.

REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule is necessary to protect the health, safety, and welfare of residents in Texas, and, therefore, the Commission is not required to provide a statement under Texas Government Code §2001.45. Even if it was, the proposed rule does not have a fiscal note that imposes a cost on authorized or registered persons, including another state agency, a special district, or a local government. As a result, the Commission is not required to take any further action under §2001.45.

TAKINGS IMPACT ASSESSMENT

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code §2007.43.

Government Growth impact Statement

Pursuant to Government Code §2001.221, the Commission provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1) The proposed rule does not create or eliminate a government program.

2) Implementation of the proposed rule would not require the creation of new employee positions or the elimination of existing employee positions.

3) Implementation of the proposed rule would not require an increase or decrease in future legislative appropriations to the Commission.

4) The proposed rule does not require an increase or decrease in fees paid to the Commission.

5) The proposed rule creates a new regulation. As described previously, the proposed rule are required by Texas Health and Safety Code §691.028, which directs the Commission to "by rule . . . design and adopt a form" that complies with §§691.028(b) and (b-1) that "willed body programs and non-transplant anatomical donation organizations must use." The new regulation is created to comply with statutory mandate.

6) The proposed rule does not expand, limit, or repeal an existing regulation.

7) The proposed rule increases the number of individuals subject to the rule's applicability. During the 88th regular legislative session, the Texas Legislature passed Senate Bill 2040 (SB 2040), which abolished the Anatomical Board of the State of Texas, and transferred its duties, responsibilities, and jurisdiction to the

Texas Funeral Service Code. Part of SB 2040 included amending Texas Health and Safety Code §691.028 to include new subsections (b)(2) and (b-1).

These subsections required a donor acknowledgement form must be provided to and signed by the adult donor acknowledging that he or she was informed about: 1) the consequences of the donation before providing consent that the donor's body would be used by the willed body program or non-transplant anatomical donation organization for the advancement of medical or forensic science; 2) the use the donee willed body program or non-transplant anatomical donation organization has for the donee's donated body parts; and 3) if applicable, any body part and the condition in which it will be returned to the person designated by the donor. The new statutory requirements went into effect on September 1, 2023.

When the new statute went into effect, it expanded the applicability of the number of individuals and entities subject to it and subsequently expanded the number of individuals and entities subject to the proposed rules which implement the new statute.

8) The proposed rule neither positively or adversely affects this state's economy.

PUBLIC COMMENTS

Comments on the proposed rules may be submitted to Maria Haynes, Interim Executive Director, by e-mail to legal@tfsc.texas.gov or by mail to Texas Funeral Service Commission, Attn: Maria Haynes, 1801 Congress Avenue, Suite 11-800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register.*

STATUTORY AUTHORITY

The proposed rule is proposed under Texas Health and Safety Code §691.022(c), which authorizes the Texas Funeral Service Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Texas Health and Safety Code Chapter 691.

The proposed rule is also proposed pursuant to the authority set out in Texas Health and Safety Code §691.028(b-1) which mandates the Commission "by rule" to "design and adopt a form" that complies with the statutory requirements in Texas Health and Safety Code §691.028(b)(2) and (b-1) regarding the donor acknowledgment form content and design that willed body programs and non-transplant anatomical donation organizations must use before an adult donor may give informed consent for his or her whole body donation to be used for the advancement of medical or forensic science under Texas Health and Safety Code §691.028.

Cross Reference. The new section implements Texas Health and Safety Code, §691.028(b)(2) and (b-1), as amended by Senate Bill 2040, 88th Texas Legislature, Regular Session, 2023.

§206.9. Donation of Body by Written Instrument.

(a) Pursuant to Texas Health and Safety Code §691.028(b), in order for an adult's donation of his or her whole body to be effective, the adult must be provided with, and execute, a Donor Acknowledgement Form by the willed body program or non-transplant anatomical donation organization seeking the donation.

(b) The Donor Acknowledgement Form published following this section is the form adopted by the Commission to comply with Texas Health and Safety Code §691.028(b).

(c) The Donor Acknowledgment Form must reflect the specific consequences of the whole body donation, uses of the donated whole body or body parts, and, if applicable, what body parts will be returned to the donor's family or designee and the conditions that apply to the particular willed body program or non-transplant anatomical donation organization seeking the whole body donation from the donor. Figure: 22 TAC §206.9(c)

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 May 4, 2026.

TRD-202601883
Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 936-2474

♦ ♦ ♦

TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 910. STATE FACILITY BUSINESS OPERATIONS

SUBCHAPTER G. STATE HOSPITAL MANAGEMENT

26 TAC §§910.301, 910.303, 910.305, 910.307

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §910.301, concerning Purpose; §910.303, concerning Application; §910.305, concerning Definitions; and §910.307, concerning State Hospital Superintendent, in Texas Administrative Code Title 26, Part 1, Chapter 910, new Subchapter G, concerning State Hospital Management.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Texas Health and Safety Code (HSC) §552.154 added by House Bill (HB) 913, 89th Legislature, Regular Session, 2025. It provides that the HHSC executive commissioner shall, by rule, require state hospitals to employ a superintendent at a Texas state hospital. A Texas state hospital also includes a facility that HHSC operates as a state hospital. HB 913 amended HSC §532.001(b) and §552.002(a)(2) to separate the North Texas State Hospital into two state hospitals, Vernon and Wichita Falls. HSC §532.001(b) and §552.002(a)(2) were amended to also add the new Panhandle State Hospital and the Lubbock Psychiatric Center to the list of state hospitals.

This proposal also outlines the duties a superintendent must perform in a Texas state hospital, as required by HSC §551.022.

SECTION-BY-SECTION SUMMARY

Proposed new §910.301 describes that the purpose of the subchapter is to require a Texas state hospital to employ a superintendent as stated in HSC §552.154.

Proposed new §910.303 states that the rules apply to a superintendent of a Texas state hospital and to a Texas state hospital listed in HSC §552.002(a)(2). Section 910.303 clarifies that the rule does not apply to state hospital contracted beds.

Proposed new §910.305 defines terms used in this subchapter.

Proposed new §910.307 describes requirements for a Texas state hospital to employ a superintendent as required by HSC §552.154. Section 551.022 describes the duties the superintendent must perform.

FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

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

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

(5) the proposed rules will create new regulations;

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

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

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

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

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not apply to small businesses, micro-businesses or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas; do not impose a cost on regulated persons; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Kristy Carr, Associate Commissioner of State Hospitals, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved state hospital efficiencies and oversight, and consistency among state hospitals.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because there is no requirement to alter current business practices and there are no new fees or costs imposed on those required to comply.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R006" in the subject line.

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; HSC §552.001, which provides HHSC with authority to operate state hospitals; and HSC §552.154, which requires the executive commissioner of HHSC by rule to require state hospitals to employ a superintendent.

The new sections affect Texas Government Code §524.0151 and HSC §552.001 and §552.154.

§910.301. Purpose.

The purpose of this subchapter is to require a Texas state hospital to employ a superintendent as stated in Texas Health and Safety Code §552.154.

§910.303. Application.

(a) This subchapter applies to:

(1) a superintendent of a Texas state hospital; and

(2) a Texas state hospital listed under Texas Health and Safety Code §552.002(a)(2), as well as, a facility that the Texas Health and Human Services Commission operates as a state hospital.

(b) This subchapter does not apply to a contracted state hospital bed funded by HHSC.

§910.305. Definitions.

The following terms in this subchapter have the following meanings, unless the context clearly indicates otherwise.

(1) HHSC--Texas Health and Human Services Commission.

(2) Individual--A person receiving services under this subchapter.

(3) State hospital--A Texas state hospital listed under Texas Health and Safety Code §552.002(a)(2), or a facility that HHSC operates as a state hospital.

(4) Superintendent--A person who manages and oversees how a state hospital operates or that person's designee.

§910.307. State Hospital Superintendent.

(a) A state hospital must employ a superintendent as required by Texas Health and Safety Code §552.154.

(b) A state hospital superintendent must perform all duties listed in Texas Health and Safety Code §551.022, including:

(1) operate, manage, and supervise a state hospital operation, finances, and property;

(2) support and protect the safety, rights, and interests of an individual in a state hospital; and

(3) ensure a state hospital administration follows state and federal statute, rules, and policies that apply to state hospitals.

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 April 29, 2026.

TRD-202601845
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 438-3049

♦ ♦ ♦

TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 3. LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES

SUBCHAPTER T. MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT POLICIES

28 TAC §§3.3309, 3.3312, 3.3324

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§3.3309, 3.3312, and 3.3324, concerning requirements for Medicare supplement coverage. The proposed amendments implement House Bill 2516, 89th Legislature, 2025.

EXPLANATION.

The amendments to §§3.3309, 3.3312, and 3.3324 are necessary to implement HB 2516, which added Insurance Code §1652.059 and §1652.060, requiring that individuals younger than 65 who become enrolled in Medicare by reason of end stage renal disease (ESRD) or amyotrophic lateral sclerosis (ALS) be given access to the same coverage, and in some cases at the same rates, as those offered to individuals 65 and older. The amendments also clarify the existing language and protections regarding guaranteed issuance and the rating of disabled enrollees when they turn 65, which were discussed in Bulletin #B-0027-21 (available online at www.tdi.texas.gov/bulletins/2021/B-0027-21.html).

Descriptions of the sections' proposed amendments follow.

Section 3.3309.

Proposed amendments to subsection (a)(1) remove language from subparagraphs (D) and (E) related to coverage for outpatient prescription drugs. Those provisions were included to implement the Medicare Prescription Drug Improvement and Modernization Act of 2003 but are no longer relevant.

Proposed amendments to subsection (b) require that Medicare supplement applications elicit information as to whether someone younger than 65 qualifies under HB 2516. These changes are necessary to ensure that issuers have the information to comply with the new requirements. The amendments also delete extraneous language from the subsection.

Proposed amendments to Figure: 28 TAC §3.3309(f) remove a reference to enrollment in Part D, which is no longer needed, and remove unnecessary underlines.

A proposed amendment to subsection (g) revises a reference in the rule text that incorrectly refers to parts of Figure: 28 TAC §3.3309(f) as paragraphs of subsection (f).

Proposed amendments also include nonsubstantive rule drafting and formatting changes for plain language and to conform to the agency's current style and improve clarity. For example, "shall" is changed to "must" throughout the rule text, and "preexisting conditions" is changed to "preexisting condition limitations."

Section 3.3312.

The title of this section is proposed to be amended to add a reference "Notice Requirements" in light of the notification requirement found in new subsection (f) of this section.

Proposed amendments to subsection (a)(1) reference that individuals will indicate on their application that they meet the section's eligibility requirements and submit evidence of eligibility as necessary. An extraneous "and" is deleted in subsection (a)(2).

Proposed amendments to subsection (b) delete paragraphs (7) and (9) relating to enrollment in Medicare Part D and the Texas Health Insurance Pool, as the references in these paragraphs are obsolete and unnecessary, and renumber current paragraph (8) as paragraph (7). New subsection (b)(8) identifies for purposes of other amendments individuals meeting the requirements of Insurance Code §1652.059 and enrolled in Medicare before the effective date of the rule amendments.

An amendment in subsection (c)(1) revises a reference to the paragraphs in subsection (b) to reflect the changes to the paragraphs in that subsection. Subparagraphs (A) and (B) in subsection (c)(1) are amended to implement HB 2516 by clarifying that individuals eligible under that bill are entitled to the same plans that anyone turning 65 is eligible for. To conform to the deletion of subsection (b)(7), subsection (c)(2) is amended to remove provisions related to the removal of prescription drug coverage, and subsection (c)(4) is deleted.

Proposed new subsection (c)(4) implements the protections of HB 2516 by providing that individuals eligible under that bill are entitled to the same plans offered to others by the issuer and may not be subject to separate forms or rates.

An amendment is proposed to delete current subsection (d)(5) to conform to the deletion of subsection (b)(7). Subsequent paragraphs are renumbered.

Subsection (d)(6) is amended to delete the reference to the Texas Health Insurance Pool, as it is obsolete. In accordance with Insurance Code §1652.060(d), which authorizes the commissioner to designate enrollment periods by rule, new text is added in subsection (d)(6) to provide a guaranteed issue period for those eligible under HB 2516 from October 15, 2026, through March 31, 2027. This aligns with Medicare open enrollment periods to support individuals who may switch from a Medicare Advantage plan to traditional Medicare and want to purchase Medicare supplement coverage.

Proposed new subsection (f) requires issuers to provide timely notice to those eligible for the enrollment period created by subsection (d)(6). This will ensure that those eligible under HB 2516 receive notice of their opportunity to realize the benefits of that legislation.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the section to the agency's current style and improve clarity. For example, "in accordance with" is changed to "according to," and edits are made to paragraph organization for clarity.

Section 3.3324.

Proposed amendments to subsection (a) make clarifying changes to implement HB 2516. The changes relate to medical underwriting and exceptions to the required availability of Medicare supplement policies and certificates.

Proposed amendments to subsection (b)(1) are necessary to distinguish between requirements for individuals younger than 65 who are eligible under HB 2516 and those who are not.

Proposed amendments to subsection (b)(2) clarify that an individual turning 65 who previously obtained Medicare supplement coverage due to disability and early enrollment in Medicare has the same rights to obtain Medicare supplement coverage at age 65 as anyone else turning 65. If an individual chooses to remain with their plan, they must be charged the same premium as someone enrolling for the first time at age 65.

Proposed new subsection (b)(3) requires notice (beginning 90 days after the effective date of the section) to those enrollees turning 65 of any premium adjustment and new open enrollment period under subsection (b)(2). These changes are consistent with TDI's 2021 Bulletin #B-0027-21 (online at www.tdi.texas.gov/bulletins/2021/B-0027-21.html), which cited CMS' December 2002 guidance, Transmittal No. 02-03 (available online at www.cms.gov/Medicare/Health-Plans/Medigap/Downloads/mdgp0203.pdf), requiring a second open enrollment opportunity at age 65 for Medicare supplement policyholders who obtained coverage before 65 because of disability.

Proposed new subsection (b)(4) implements the requirements of HB 2516 by requiring that qualifying individuals be charged the same rates as others for some plans and no more than 200% of the rates charged others for other plans. It also prohibits application of preexisting condition exclusions or waiting periods to these qualifying individuals.

Proposed new subsection (b)(5) provides that issuers filing for rate increases before January 1, 2028, in which they rely on HB 2516 as justification for the rate increase, must also affirm that the rates for those individuals that do not qualify under HB 2516 will continue to meet the loss ratio standards of 28 TAC §3.3307. This will assist TDI's review of rate increase requests and ensure compliance with rating requirements. In particular, TDI is concerned about cases in which issuers reexamine their rates and increase them when eligible individuals are moved into the larger risk pool of those who become eligible for Medicare at age 65. In those cases, the rates of those individuals younger than 65 who are not eligible under HB 2516 and who remain in a separate risk pool that now no longer includes individuals with ESRD or ALS should also be reexamined to ensure they are not excessive.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the section to the agency's current style and improve clarity.

TDI received comments on an informal draft posted on TDI's website on September 4, 2025. TDI considered those comments when drafting this proposal.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.

Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Bowden made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE.

For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that enforcing them will have the public benefits of ensuring that both TDI's rules and Medicare supplement policies in Texas conform to Insurance Code Chapter 1652 and that consumers with Medicare supplement policies in Texas have the broadest possible options in coverage and rates.

Regarding the proposed HB 2516 amendments, Ms. Bowden expects that the proposed amendments will not increase the cost of compliance for regulated persons because the amendments would not impose requirements beyond those in statute. Insurance Code §1652.059 requires that the same coverage be offered to those younger than 65 enrolled in Medicare by reason of ESRD or ALS as is offered to those 65 or older. The amendments to §3.3309(b), for example, requiring that such eligibility information be elicited, are necessary for issuers to comply with §1652.059. Amendments to §3.3312 and §3.3324 similarly modify the rules to conform to HB 2516. The amendment to §3.3324(b)(5) requiring an actuary to confirm that the rates of those younger than 65 are compliant should not add any measurable cost because issuers are already subject to the loss ratio standards under 28 TAC §3.3307, which would require such an analysis.

Proposed new §3.3312(d)(6) and (f) require notice of a guaranteed issue period for those eligible under HB 2516. Ms. Bowden expects that this could impose an economic cost on persons required to comply because issuers will have to prepare and is-

sue a notice to current insureds regarding the guaranteed issue period and then modify the coverage of responding eligible insureds to comply with HB 2516. If an issuer uses electronic delivery as permitted under Insurance Code Chapter 35, the issuer may send the notices electronically, avoiding paper and printing costs.

If an issuer prints paper copies instead, TDI expects the cost to be between $0.06 and $0.08 per page for printing and paper. An issuer's cost of complying with the requirements will depend on whether the mailing may be included with other information sent to policyholders. TDI expects that each issuer will have the information necessary to determine its individual cost, including in-house printing costs and commercial printing costs. TDI estimates that issuers may face administrative costs associated with creating and sending the notice.

While it is not feasible to determine the actual cost of any employees needed to comply with the requirement, TDI estimates that creating and sending the notice may require the following resources: between eight and 14 hours of compliance officer staff time to create the notice and create processes to effectuate changes to enrollment, and between eight and 14 hours of computer programming staff time to prepare and test systems to begin distributing the notice. Staff costs may vary depending on the skill level required, the number of staff required, and the geographic location where work is done. The 2024 median hourly wage for these positions in Texas was: compliance officer, $34.64; and computer programmer, $38.85; as reported by the Texas Wages and Employment Projections database, which is developed and maintained by the Texas Workforce Commission and located at www.texaswages.com/WDAWages.

Proposed new §3.3324(b)(2) and (3) provide that individuals with coverage before age 65 who turn 65 must be given the same rates as those who enroll at age 65 for the first time and receive notice and an opportunity to change plans. Issuers already appear to be providing the opportunity to change plans due to prior federal and TDI guidance, but there could be a cost to issuers to automatically change rates at age 65 and provide notice of the opportunity to change plans. While it is not feasible to determine the actual cost of any employees needed to comply with the requirement, TDI estimates that creating the notice may require five to 10 hours of compliance officer staff time to create the notice and create processes to effectuate changes to enrollment; and between eight and 14 hours of computer programming staff time to prepare and test systems to distribute the notice and to effectuate changes to enrollment. Because the rule permits the issuer to send the notice any time during the year when the individual is 64, the notice should be able to be sent with other correspondence at no additional cost.

TDI posted an informal draft substantially similar to this proposal on September 4, 2025 (online at www.tdi.texas.gov/rules/documents/33309webcover.pdf).

TDI's posting included the following request for cost information: "TDI seeks input on this draft rule, including input from industry on any costs associated with complying with the informal rule text that are not imposed by the statute. This input will inform the analyses that TDI must include under Government Code Chapter 2001 when it prepares the formal rule proposal. TDI believes that the industry is already complying with most of the provisions in the draft or that any costs not required by HB 2516 would be minimal. If you feel this is wrong, please provide your input to help us understand the additional costs."

No commenter provided information on costs other than a general reference to "administrative burden." Nevertheless, TDI modified the draft text as incorporated into this proposal by giving issuers additional time to implement notification requirements. This change further minimizes the administrative cost to issuers.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.

TDI has determined that the proposed amendments may have a minimal adverse economic effect on issuers that are small or micro businesses. The cost analysis in this proposal's Public Benefit and Cost Note section also applies to these small and micro businesses. TDI estimates that the proposed amendments may affect less than 10 issuers that are small or micro businesses. The primary objectives of this proposal are to implement HB 2516 and its protections for under-65 Medicare-eligible individuals and to provide protections for those turning 65 who are already enrolled in a Medicare supplement policy. TDI considered the following alternatives to minimize any adverse impact on small and micro businesses while accomplishing the proposal's objectives:

(1) entirely declining to propose, or postponing the implementation of, some requirements that might impose costs on small and micro issuers;

(2) giving small and micro issuers additional time to come into compliance with the rule amendments; and

(3) exempting small and micro issuers from some of the rule amendments.

Regarding alternative (1), TDI made changes from the draft text that it posted in September to reduce administrative costs on all issuers by giving issuers additional time to implement notification requirements. This change may also reduce the administrative costs to small and micro issuers.

TDI rejected alternative (2), providing additional time to small and micro issuers, because the requirements of the proposed amendments are either required by statute or involve timeframes for notification to insureds that would be ineffective if postponed or would cause confusion in the market if different timeframes applied to different issuers.

TDI similarly rejected alternative (3), exempting small and micro issuers from some of the proposed requirements, because many of the proposed amendments are required by statute, which contains no exemption for small or micro issuers, or are necessary for the protection of all insureds, regardless of their issuer's size.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045.

TDI has determined that this proposal might impose a possible cost on regulated persons. However, no additional rule amendments are required under Government Code §2001.0045, in part because, as discussed, the proposed rule text is necessary to implement legislation. The proposed rule implements Insurance Code §1652.059 and §1652.060, as added by HB 2516.

Proposed new §3.3312(d)(6) and (f) require notice of a guaranteed issue period for those newly eligible under HB 2516. Ms. Bowden expects that this could impose an economic cost on persons required to comply because issuers will have to prepare and issue a notice to current insureds about the guaranteed issue period and then modify the coverage of those responding eligible insureds to comply with HB 2516. Government Code

§2001.0045 does not apply to these amendments because they are necessary to implement legislation.

Specifically, new Insurance Code §1652.060(d), under HB 2516, provides that "[t]he commissioner shall adopt rules as necessary to administer this section, including rules designating enrollment periods." While HB 2516 does not explicitly mention notice to insureds of their enrollment opportunities, Insurance Code §1652.051 requires the commissioner to adopt reasonable standards for facilitating comparisons of different Medicare supplement benefit plans which may include "provisions relating to . . . initial and subsequent conditions of eligibility." Notice to insureds of their eligibility to change plans is essential to facilitating their comparison of those plans and is necessary to administer new §1652.060.

Proposed new §3.3324(b)(2) and (3) provide that individuals with coverage before age 65 who turn 65 must be given the same rates as those who enroll at age 65 for the first time and receive notice and an opportunity to change plans. Issuers already appear to be providing the opportunity to change plans due to prior federal and TDI guidance. *See* www.cms.gov/Medicare/Health-Plans/Medigap/Downloads/mdgp0203.pdf.

This opportunity to change plans is required by federal law, and Insurance Code §1652.005 requires that TDI adopt rules necessary to retain certification as a state with an approved regulatory program. Also, Insurance Code §1652.051 requires the commissioner to adopt reasonable rules, which may include provisions relating to initial and subsequent conditions of eligibility. Further, Government Code §2001.0045(c)(4) provides that the requirements of that section do not apply to a rule that is necessary to comply with federal law. The additional provisions requiring re-rating and notice are also necessary to implement the requirement in Insurance Code §1652.051 to adopt rules facilitating comparisons of different Medicare supplement benefit plans, including "provisions relating to . . . initial and subsequent conditions of eligibility." They are also necessary to protect the health, safety, and welfare of vulnerable senior residents of this state.

GOVERNMENT GROWTH IMPACT STATEMENT.

TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;

- will not require the creation of new employee positions or the elimination of existing employee positions;

- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;

- will create a new regulation;

- will expand, limit, or repeal an existing regulation;

- will not increase or decrease the number of individuals subject to the rule's applicability; and

- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT.

TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT.

TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on June 17, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2867. This proposal will be part of a rule hearing docket that will begin at 1:00 p.m., central time, on June 15, 2026. TDI will hold the public hearing both remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.029. Visit www.tdi.texas.gov/alert/event/index.html for more info on the proposed rule, hearing, and comment submission.

STATUTORY AUTHORITY.

TDI proposes amendments to §§3.3309, 3.3312, and 3.3324 under Insurance Code §§1652.005, 1652.051, 1652.060, 1652.101, 1652.103, 1701.060, and 36.001.

Insurance Code §1652.005 requires the commissioner to adopt reasonable rules necessary and proper to carry out Insurance Code Chapter 1652, including rules necessary to retain federal certification as a state with an approved regulatory program.

Insurance Code §1652.051 requires the commissioner to adopt reasonable rules to establish standards for provisions in Medicare supplement benefit plans and standards for facilitating comparisons between different Medicare supplement plans. The standards may include provisions relating to initial and subsequent conditions of eligibility. These rules may also include reasonable rules that specifically prohibit plan provisions that are not otherwise specifically authorized by statute and that the commissioner determines are unjust, unfair, or unfairly discriminatory.

Insurance Code §1652.060 requires the commissioner to adopt rules as necessary to administer that section, including rules designating enrollment periods.

Insurance Code §1652.101 requires the commissioner to adopt reasonable rules to establish minimum loss ratio standards for Medicare supplement plans.

Insurance Code §1652.103 requires the commissioner by rule to provide a process for reviewing and approving or disapproving a proposed premium increase relating to Medicare supplement plans.

Insurance Code §1701.060 gives the commissioner general rulemaking authority to adopt reasonable rules necessary to implement the purposes of Insurance Code Chapter 1701, including rules that establish procedures and criteria under which forms will be reviewed.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Amendments to §3.3309 implement Insurance Code §1652.059. Amendments to §3.3312 and §3.3324 implement Insurance Code §§31.002, 1652.005, 1652.051, 1652.059, 1652.060, 1652.101, 1652.103, and 1701.060.

§3.3309. Requirements for Application Forms and Replacement Coverage.

(a) Application forms must [~~shall~~] include the following information, statements, and questions designed to elicit information as to whether, as of the date of the application, the applicant currently has another Medicare supplement, Medicare Advantage, Medicaid coverage, or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate currently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used.

(1) The information must [~~shall~~] be provided to prospective covered persons in statement form conforming to subparagraphs (A) - (F) of this paragraph.

(A) You do not need more than one Medicare supplement policy.

(B) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need more than one type of coverage in addition to your Medicare benefits.

(C) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(D) If, after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing Medicaid eligibility. [~~If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.~~]

(E) If you are eligible for, and have enrolled in, a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing your employer or union-based group health plan. [~~If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.~~]

(F) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

(2) Information must [~~shall~~] be elicited from prospective covered persons by asking the following questions [~~as follows~~]: If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. PLEASE ANSWER ALL QUESTIONS. Please mark Yes or No below with an "X" to the best of your knowledge.

(A) Did you turn age 65 in the last 6 months? Yes____ No____

(B) Did you enroll in Medicare Part B in the last 6 months? Yes____ No____

(C) If yes, what is the effective date?

(D) Are you covered for medical assistance through the state Medicaid program?

(i) {NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.} Yes____ No____

(ii) If yes;

(I) Will Medicaid pay your premiums for this Medicare supplement policy? Yes____ No____

(II) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium? Yes____ No____

(E) If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank. START __/__/__ END __/__/__

(i) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy? Yes____ No____

(ii) Was this your first time in this type of Medicare plan? Yes____ No____

(iii) Did you drop a Medicare supplement policy to enroll in the Medicare plan? Yes____ No____

(F) Do you have another Medicare supplement policy in force? Yes____ No____

(i) If so, with what company, and what plan do you have {optional for Direct Mailers}?

(ii) If so, do you intend to replace your current Medicare supplement policy with this policy? Yes____ No____

(G) Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan) Yes____ No____

(i) If so, with what company and what kind of policy?

(ii) What are your dates of coverage under the other policy? START __/__/__ END __/__/__ (If you are still covered under the other policy, leave "END" blank.)

(b) Application forms must [~~shall~~] include questions to elicit information as to whether the applicant qualifies under Insurance Code §1652.059, concerning Coverage for Certain Individuals Younger Than

65, is an eligible person as defined in §3.3312(b) of this title (relating to Guaranteed Issue for Eligible Persons; Notice Requirements), or [~~whether the applicant~~] is eligible for reduction of any applicable preexisting condition limitation under §3.3324(c) and (d) of this title (relating to Open Enrollment).

(c) Agents must list [~~shall list the following~~]:

(1) any other health insurance policies or coverages sold to the applicant that [~~which~~] are still in force; and

(2) any other health insurance policies or coverages sold to the applicant in the past five years that [~~which~~] are no longer in force.

(d) In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant[~~,~~] and acknowledged by the issuer, must [~~shall~~] be returned to the applicant by the issuer upon delivery of the policy.

(e) Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, must [~~shall~~] furnish a notice regarding replacement of Medicare supplement coverage to the applicant[~~,~~] before [~~prior to~~] issuance or delivery of the Medicare supplement policy or certificate[~~, a notice regarding replacement of Medicare supplement coverage~~]. One copy of the [~~such~~] notice signed by the applicant and the agent, except where the coverage is sold without an agent, must [~~shall~~] be provided to the applicant, and an additional signed copy must [~~shall~~] be retained by the issuer. A direct response issuer must [~~shall~~] deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

(f) The notice required by subsection (e) of this section must [~~shall~~] be provided in substantially the following form and must [~~shall~~] be in a typeface no smaller than 12-point type.
Figure: 28 TAC 3.3309(f)
[~~Figure: 28 TAC 3.3309(f)~~]

(g) The items found in paragraphs (1) and (2) of Figure: 28 TAC §3.3309(f) apply to preexisting condition limitations and [~~Subsection (f)(1) and (2) of this section (applicable to preexisting conditions)~~] may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

§3.3312. Guaranteed Issue for Eligible Persons; Notice Requirements.

(a) Guaranteed issue.

(1) Eligible persons are those individuals described in subsection (b) of this section who seek to enroll under the Medicare supplement policy during the period specified in subsection (d) of this section, who indicate on the application for a Medicare supplement policy that they meet the requirements of this section, and who submit evidence of eligibility as necessary, such as the date of termination, disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer must not deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (c) of this section that is offered and is available for issuance to newly enrolled individuals by the issuer;[~~, and~~] must not discriminate in the pricing of a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition;[~~,~~] and must not impose an exclusion of benefits based on a preexisting condition under a Medicare supplement policy.

(b) Eligible persons. An eligible person is an individual described in any of the following paragraphs.[~~:~~]

(1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, and the plan terminates, or the plan ceases to provide supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan.

(2) The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, and any of the following circumstances apply, or the individual is age 65 [~~years of age~~] or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under §1894 of the Social Security Act, and there are circumstances similar to the following that would permit discontinuance of the individual's enrollment with the provider if the individual were enrolled in a Medicare Advantage plan:

(A) the certification of the organization or plan has been terminated; [~~or~~]

(B) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

(C) the individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in §1851(g)(3)(B) of the Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under §1856), or the plan is terminated for all individuals within a residence area;

(D) the individual demonstrates, according to [~~in accordance with~~] guidelines established by the Secretary, that:

(i) the organization offering the plan substantially violated a material provision of the organization's contract under 42 U.S.C. Chapter 7, Subchapter XVIII, Part D, in relation to the individual, including the failure to provide an individual on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide the covered care according to [~~in accord with~~] applicable quality standards; or

(ii) the organization, [~~or~~] agent, or other entity acting on the organization's behalf[~~,~~] materially misrepresented the plan's provisions in marketing the plan to the individual; or

(E) the individual meets other exceptional conditions as the Secretary may provide.

(3) The individual is enrolled with an entity listed in subparagraphs (A) - (D) of this paragraph and enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under paragraph (2) of this subsection:

(A) an eligible organization under a contract under §1876 of the Social Security Act (Medicare cost);

(B) a similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(C) an organization under an agreement under §1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

(D) an organization under a Medicare Select policy.[~~; and~~]

(4) The [~~the~~] individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

(A) of the insolvency of the issuer or bankruptcy of the nonissuer organization; or of other involuntary termination of coverage or enrollment under the policy;

(B) the issuer of the policy substantially violated a material provision of the policy; or

(C) the issuer, an agent, or other entity acting on the issuer's behalf[,] materially misrepresented the policy's provisions in marketing the policy to the individual.[;]

(5) The [the] individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under Part C of Medicare, any eligible organization under a contract under §1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any PACE provider under §1894 of the Social Security Act, or a Medicare Select policy; and the subsequent enrollment is terminated by the individual during any period within the first 12 months of the subsequent enrollment (during which time the individual is permitted to terminate the subsequent enrollment under §1851(e) of the Social Security Act).[; or]

(6) The [the] individual, on first becoming enrolled in Medicare Part B [for benefits at age 65 or older], enrolls in a Medicare Advantage plan under Part C of Medicare, or with a PACE provider under §1894 of the Social Security Act, and disenrolls from the plan or program no later than 12 months after the effective date of enrollment.

[(7) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs, and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in subsection (e)(4) of this section.]

(7) [(8)] The individual loses eligibility for health benefits under Title XIX of the Social Security Act (Medicaid).

(8) The individual meets the criteria in Insurance Code §1652.059, concerning Coverage for Certain Individuals Younger than 65, and enrolled in Medicare Part B before the effective date of this section.

[(9) The individual meets the following requirements:]

[(A) the individual was enrolled in both the federal Medicare program and the Texas Health Insurance Pool on December 31, 2013; and]

[(B) the individual's Pool coverage terminated on or after December 31, 2013.]

(c) Products that [to which] eligible persons are entitled to.

(1) Persons described by subsection (b)(1), (2), (3), (4), and (7) [(8), and (9)] of this section are entitled to a Medicare supplement policy that has a benefit package classified as follows:

(A) Plan A, B, C, F (including F with a High Deductible), K, or L offered by any issuer, for an individual age 65 [years of age] or older, or an individual who meets the criteria in Insurance Code §1652.059, who first became eligible for Medicare before January 1, 2020, except that for persons under age 65 who do not meet the criteria in Insurance Code §1652.059 [years of age] , it is a policy that has a benefit package classified as Plan A; or

(B) Plan A, B, D, G (including G with a High Deductible), K, or L offered by any issuer, for a 2020 newly eligible individual who is age 65 [years of age] or older or meets the criteria in Insurance Code §1652.059, except that for persons under age 65 who do not meet the criteria in Insurance Code §1652.059 [years of age] , it is a policy that has a benefit package classified as Plan A.

(2) Persons described by subsection (b)(5) of this section are entitled to the same Medicare supplement policy in which the individual was most recently enrolled, if available from the same issuer or, if not available, a policy described in paragraph (1) of this subsection. [If the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, the Medicare supplement policy described in this paragraph is the policy available from the same issuer but modified to remove outpatient prescription drug coverage, or at the election of the policyholder, a policy described in paragraph (1) of this subsection.]

(3) Persons described by subsection (b)(6) of this section are entitled to any Medicare supplement policy offered by any issuer, with the exception of Plans [plans] C or F (including F with a High Deductible) for a 2020 newly eligible individual.

(4) Persons described by subsection (b)(8) of this section are entitled to enroll in any plan type that is offered by any issuer, provided that:

(A) an issuer is not permitted to make Plans C or F (including F with a High Deductible) available to a 2020 newly eligible individual;

(B) coverage must be issued according to terms provided in Insurance Code §1652.060, concerning Enrollment Period for Certain Individuals Younger Than 65; and

(C) notwithstanding §3.3307(d) of this title (relating to Loss Ratio Standards and Refund or Credit of Premiums) and §3.3322(d) of this title (relating to Filing and Approval of Policies, Certificates and Premium Rates; Discontinuance of Forms), an issuer may not have a separate form or rates for persons described by subsection (b)(8) of this section.

[(4) Persons described by subsection (b)(7) of this section are entitled to a Medicare supplement policy that has a benefit package classified as follows:]

[(A) Plan A, B, C, F (including F with a High Deductible), K, or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage, for an individual who first became eligible for Medicare before January 1, 2020; or]

[(B) Plan A, B, D, G (including G with a High Deductible), K, or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage, for a 2020 newly eligible individual.]

(d) Guaranteed issue time period.

(1) In the case of an individual described in subsection (b)(1) of this section:

(A) for a plan that supplements the benefits under Medicare, the guaranteed issue period begins on the later of:

(i) the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, the date the individual receives notice that a claim has been denied because of the termination or cessation); or

(ii) the date the applicable coverage terminates or ceases; [and ends 63 days later;] or

(B) for a plan that is primary to the benefits under Medicare, the guaranteed issue period begins on the later of:

(i) the date the individual receives a notice of termination or cessation of all health benefits (or if a notice is not received, the date the individual receives notice that a claim has been denied because of the termination or cessation); or

(ii) the date the applicable coverage terminates or ceases; and [ends 63 days later.]

(C) the guaranteed issue period ends 63 days after the date the applicable coverage terminates or ceases.

(2) In the case of an individual described in subsection (b)(2), (3), (5), or (6) of this section whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated.

(3) In the case of an individual described in subsection (b)(4)(A) of this section, the guaranteed issue period begins on the earlier of the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice, if any, and the date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated.

(4) In the case of an individual described in subsection (b)(2), (4)(B) and (C), (5), or (6) of this section, who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date of disenrollment.

[(5) In the case of an individual described in subsection (b)(7) of this section, the guaranteed issue period begins on the date the individual receives notice under §1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the 60-day period immediately preceding the initial Part D enrollment period and ends on the date that is 63 days after the effective date of the individual's coverage under Medicare Part D.]

(5) [(6)] In the case of an individual described in subsection (b) of this section, but not described in paragraphs (1) - (5) of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date of disenrollment.

(6) [(7)] In the case of an individual described in subsection (b)(8) [(b)(9)] of this section, the guaranteed issue period is October 15, 2026, through March 31, 2027. [begins on the date that the individual's coverage in the Texas Health Insurance Pool terminates and ends 63 days later.]

(e) Extended Medicare supplement access for interrupted trial periods.

(1) In the case of an individual described in subsection (b)(5) of this section (or deemed to be so described under this paragraph), whose enrollment with an organization or provider described in subsection (b)(5) of this section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another organization or provider, the subsequent enrollment will be deemed to be an initial enrollment as described in subsection (b)(5) of this section.

(2) In the case of an individual described in subsection (b)(6) of this section (or deemed to be so described under this paragraph), whose enrollment with a plan or in a program described in subsection (b)(6) of this section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another plan or program, the subsequent enrollment will be deemed to be an initial enrollment as described in subsection (b)(6) of this section.

(3) For purposes of subsection (b)(5) and (6) of this section, no enrollment of an individual with an organization or provider described in subsection (b)(5) of this section, or with a plan or in a program described in subsection (b)(6) of this section, may be deemed to be an initial enrollment under this paragraph after the two-year [2-year] period beginning on the date that [on which] the individual first enrolled with the organization, provider, plan, or program.

(f) Notification of enrollment period for certain individuals under age 65. For an insured described by subsection (b)(8) of this section who enrolled in a Medicare supplement policy before the effective date of this section, the issuer must provide notice not earlier than September 1, 2026, and not later than October 15, 2026, informing the insured of the right to change plans during the enrollment period provided in subsection (d)(6) of this section.

§3.3324. Open Enrollment.

(a) Except as otherwise provided in this section, no [No] issuer may deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, subject an applicant to medical underwriting, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant where an application for a policy or certificate is submitted before or during the six-month period beginning with the first day of the first month in which an individual is first enrolled for benefits under Medicare Part B. No issuer may engage in a premium rating practice that results in higher premiums for any policy solely because the policy is issued under the provisions of this section. An issuer must make available [For individuals 65 years of age or older when first enrolled for benefits under Medicare Part B who apply for Medicare supplement coverage under this subsection,] each Medicare supplement policy and certificate [currently available from an issuer must be made available] to all applicants who apply for coverage under this section without regard to age, subject to the following exceptions:[.]

(1) an issuer may not make Plans C or F (including F with a High Deductible) available to a 2020 newly eligible individual;

(2) an issuer may not make available a policy or certificate that has been discontinued under §3.3322 of this title (relating to Filing and Approval of Policies, Certificates and Premium Rates; Discontinuance of Forms); and

(3) an issuer may limit availability as permitted in subsection (b) of this section.

(b) The provisions [of paragraphs (1) and (2)] of this subsection apply to Medicare supplement issuers with respect to persons who qualify for Medicare before age 65 [attaining 65 years of age].

(1) For individuals who do not qualify under Insurance Code §1652.059, concerning Coverage for Certain Individuals Younger Than 65, an issuer must make available, at a minimum, Plan A of the standard Medicare supplement plans to an individual who qualifies under this subsection and may establish a separate form and rating class as permitted under §3.3322 of this title for similarly situated individuals who enroll in Plan A under this section. [An issuer must comply with the first two sentences of subsection (a) of this section with respect to a person who:]

[(A) qualifies for Medicare before attaining 65 years of age, who first enrolls for benefits under Medicare Part B on or after January 1, 1997, and who applies for a Medicare supplement policy or certificate during the period of eligibility described in subsection (a) of this section; or]

[(B) enrolled in Medicare Part B before attaining 65 years of age, who applies for a Medicare supplement policy or certificate upon attaining 65 years of age, during the period of eligibility described in subsection (a) of this section that would apply if the person first enrolled in Medicare Part B on attaining 65 years of age.]

(2) When an individual who is enrolled in a plan under this subsection reaches age 65, the individual is entitled to an open enrollment period under subsection (a) of this section as if the individual had enrolled in Medicare Part B on their 65th birthday, and the issuer must begin charging the premium rate that would apply to a new applicant under subsection (a) of this section. [An issuer must make available, at a minimum, Plan A of the standard Medicare supplement plans to individuals who qualify under this subsection.]

(3) On or after 90 days after the effective date of this section, an issuer covering an individual enrolled in a plan under this subsection must give notice to the individual not earlier than the individual's 64th birthday and not later than the individual's 65th birthday of the adjustment to the premium and the new open enrollment period required by this section.

(4) The provisions of this paragraph apply to individuals who qualify under Insurance Code §1652.059.

(A) For standardized Medicare supplement Plans A, B, and D, the issuer must charge a qualifying individual the same premium rate that is charged to an individual age 65 for the same plan, at the time of issuance and for the duration that the individual enrolled in the plan is under age 65.

(B) For standardized Medicare supplement plans other than Plans A, B, or D, the issuer must charge a qualifying individual a premium rate that is no higher than 200% of the rate charged to an individual age 65 for the same plan, at the time of issuance and for the duration that the individual enrolled in the plan is under age 65.

(C) Notwithstanding subsections (c) or (d) of this section, an issuer may not apply a preexisting condition exclusion or a waiting period to a qualifying individual.

(5) An issuer filing for a rate increase applicable to a Medicare supplement policy on or before January 1, 2028, in which the rate increase relies on actual or expected experience resulting from the implementation of Insurance Code §1652.059 or §1652.060, concerning Enrollment Period for Certain Individuals Younger Than 65, must include in the filing a statement signed by an actuary as to whether the rates for those insureds under age 65 not qualifying under Insurance Code §1652.059 or §1652.060 satisfy the requirements of §3.3307 of this title (relating to Loss Ratio Standards and Refund or Credit of Premiums).

(c) If an applicant qualifies under subsection (a) of this section, is age 65 [years of age] or older, and submits an application during the period referenced in subsection (a) of this section and, as of the date of application, has had a continuous period of creditable coverage:

(1) [has had a continuous period of creditable coverage] of at least six months, the issuer may not exclude benefits based on a preexisting condition; or

(2) [has had a continuous period of creditable coverage] that is less than six months, the issuer must reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date.

(d) Except as provided in subsection (c) of this section, §3.3312 of this title (relating to Guaranteed Issue for Eligible Persons; Notice Requirements), and §3.3306(b)(1)(A) of this title (relating to Minimum Benefit Standards), subsection (a) of this section may not be construed as preventing the exclusion of benefits under a policy during the first six months based on a preexisting condition for which the policyholder or certificate holder received treatment or was otherwise diagnosed during the six months before the coverage became effective.

(e) The following examples illustrate the application of subsection (c)(1) and (2) of this section, as prescribed by the Secretary:

(1) Individual A--["] No preexisting condition exclusion period. Relevant creditable coverage history: Individual A had coverage under an individual policy for four months beginning on May 1, 1998, through August 31, 1998, followed by a gap in coverage of 61 days until October 31, 1998. Individual A had coverage under an individual health plan beginning on November 1, 1998, for three months through January 31, 1999, followed by a gap in coverage of 59 days or until March 31, 1999, on which date Individual A submitted an application for a Medicare supplement policy. Under this example, the Medicare supplement issuer may not apply a preexisting condition exclusion period because Individual A has seven months of creditable coverage without a gap in coverage greater than 63 days.

(2) Individual B--["] Subject to a three-month preexisting condition exclusion period. Relevant creditable coverage history: Individual B is covered under an individual health insurance policy for one month beginning May 1, 1998, through May 31, 1998, followed by a gap in coverage of 61 days from June 1, 1998, through July 31, 1998. On August 1, 1998, Individual B is covered under an association health plan for two months through September 30, 1998, followed by a gap in coverage of 31 days or until October 31, 1998, on which date Individual B submitted an application for Medicare supplement coverage. Individual B has three months of creditable coverage. Under this example, the issuer of a Medicare supplement policy must give Individual B a three-month credit against any preexisting condition exclusion period.

(3) Individual C--["] Subject to a six-month preexisting condition exclusion period. Relevant creditable coverage history: Individual C is covered under an individual health insurance policy for one month beginning May 1, 1998, through May 31, 1998, followed by a gap in coverage of 61 days from June 1, 1998, through July 31, 1998. On August 1, 1998, Individual C is covered under an association health plan for two months through September 30, 1998, followed by a gap in coverage of 64 days or until November 4, 1998, on which date Individual C submitted an application for Medicare supplement coverage. Individual C has a gap in coverage of greater than 63 days. As a result, under this example, the Medicare supplement issuer can fully apply the preexisting condition exclusion provision to Individual C.

(f) Invitation to contract advertisements, as defined in §21.113(b) of this title (relating to Rules Pertaining Specifically to Accident and Health Insurance Advertising and Health Maintenance Organization Advertising), must include the following statement: "Benefits and premiums under this policy may be suspended for up to 24 months if you become entitled to benefits under Medicaid. You must request that your policy be suspended within 90 days of becoming entitled to Medicaid. If you lose (are no longer entitled to) benefits from Medicaid, this policy can be reinstated if you request reinstatement within 90 days of the loss of such benefits and pay the required premium."

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 April 30, 2026.

TRD-202601857
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

CHAPTER 5. PROPERTY AND CASUALTY INSURANCE

SUBCHAPTER W. CONSUMER RIGHTS NOTICES

28 TAC §5.9970, §5.9971

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 28 TAC §5.9970(b) and §5.9971(b) are not included in the print version of the Texas Register. The figures are available in the on-line version of the May 15, 2026, issue of the Texas Register.)

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §5.9970 and §5.9971, concerning the Consumer Bills of Rights for personal automobile insurance and residential property insurance. Amendments to both sections implement Senate Bills 458, 1238, 1644, and House Bill 2067, 89th Legislature, 2025.

EXPLANATION. Under Insurance Code Chapter 501, Office of Public Insurance Counsel (OPIC) represents the interest of insurance consumers in Texas. OPIC is required by Insurance Code §501.156 to submit to TDI for adoption a consumer bill of rights appropriate to each personal line of insurance TDI regulates. These bills of rights explain to consumers how their rights are affected by applicable statutes and rules and are to be distributed by insurers to each policyholder on issuance of a policy.

TDI received a petition from OPIC on August 27, 2025, requesting adoption of a revised Consumer Bill of Rights for Personal Automobile Insurance (Auto Bill of Rights) and Consumer Bill of Rights for Homeowners, Dwelling, Renters Insurance (Homeowners Bill of Rights). OPIC's petition provided updated bills of rights to reflect multiple changes made by bills from the 89th Legislature. The current versions were adopted in 2024. Since the last amendment, the following legislation has been passed, affecting the rights of insurance consumers:

- HB 2067 amended Insurance Code §551.109, which requires insurance companies to tell policyholders or applicants in writing why an insurance policy was declined, canceled, or nonrenewed.

- SB 1238 amended Insurance Code §544.002, which prohibits insurance companies from discrimination based on an insured's marital status following a spousal death.

- SB 1644 created Insurance Code §559.058, which requires insurance companies to review and update an insured's credit reports, reassess the insured's policy rating, and adjust premiums on the basis of the insured's updated credit score at least every three years. Insurance Code §559.058 also allows an insured to request that the insurance company re-underwrite and re-rate the policy on the basis of a current credit report or insurance score once per year.

- SB 458 created Insurance Code Chapter 1813. Chapter 1813 requires certain personal auto and residential property insurance policies to include an appraisal provision to resolve disputes about loss amounts.

Personal lines insurers must distribute the Auto Bill of Rights and the Homeowner Bill of Rights to each policyholder on issuance of a new policy or on renewal if the updated bill of rights was not previously sent. Amending the Auto Bill of Rights and Homeowner Bill of Rights ensures that insurers distribute current consumer rights information to policyholders.

Descriptions of the sections' proposed amendments follow.

Section 5.9970. The amendments to §5.9970 update the English and Spanish translation versions of the Auto Bill of Rights included in subsection (b) as FIGURE 1: 28 TAC §5.9970(b) and FIGURE 2: 28 TAC §5.9970(b).

The proposed new English and Spanish translation versions of the Auto Bill of Rights contain changes from the previous versions resulting from legislative actions that affect the rights of insurance consumers. The changes, resulting from recent bills and reflecting new information for policyholders, include:

- the right to request appraisal to resolve disputes about loss amounts (SB 458);

- the right to a written explanation for a cancelation or nonrenewal of an insurance policy (HB 2067);

- how insurers must use updated credit information and the right to request an insurer to re-underwrite and re-rate the policy based on current credit information (SB 1644); and

- the right to not be discriminated against following a spousal death (SB 1238).

These amendments will ensure that the Auto Bill of Rights is consistent with the law and that consumers are informed of their rights related to their personal automobile insurance policies.

Section 5.9971.

The amendments to §5.9971 update the English and Spanish translation versions of the Homeowner Bill of Rights included in subsection (b) as FIGURE 1: 28 TAC §5.9971(b) and FIGURE 2: 28 TAC §5.9971(b).

The proposed new English and Spanish translation versions of the Homeowner Bill of Rights contain changes from the previous versions resulting from legislative actions that affect the rights of insurance consumers. The changes, resulting from recent bills and reflecting new information for policyholders, include:

- the right to request appraisal to resolve disputes about loss amounts (SB 458);

- the right to a written explanation for a cancelation or nonrenewal of an insurance policy (HB 2067);

- how insurers must use updated credit information and the right to request an insurer to re-underwrite and re-rate the policy based on current credit information (SB 1644); and

- the right to not be discriminated against following a spousal death, to reflect changes from HB 1238.

These amendments will ensure that the Auto Bill of Rights is consistent with the law and that consumers are informed of their rights related to their personal automobile insurance policies.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Kristi Jordan, assistant director of the Property and Casualty Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments. Ms. Jordan made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposal.

Ms. Jordan does not anticipate any measurable effect on local employment or the local economy as a result of this proposal because the proposal simply updates documents insurers are already required to provide.

PUBLIC BENEFIT AND COST NOTE.

For each year of the first five years the proposed amendments are in effect, Ms. Jordan expects public benefits to include consumers receiving an accurate and understandable summary of their rights related to personal automobile and homeowners insurance policies and facilitating public awareness of insurance consumer rights.

Ms. Jordan expects that the proposed amendments will impose an economic cost on persons required to comply. The cost will vary based on the lines of insurance and number of policyholders for each insurer.

Insurance Code §501.156 and TDI rules require insurers to deliver the Auto Bill of Rights and Homeowner Bill of Rights to policyholders at the time a policy is issued or renewed. Because the proposed amendments update existing documents already required to be provided with insurance policies, the amendments do not impose new duties. Insurers must provide policyholders with copies of the updated Auto Bill of Rights and Homeowner Bill of Rights at the first renewal after the rule becomes effective.

An insurer's cost of complying with this requirement will depend on the number of renewals that the insurer provides and on the number of paper bills of rights the insurer sends. TDI expects that each insurer will have the information necessary to determine its individual cost, including the number of pages to be printed, in-house printing costs, and commercial printing costs.

TDI estimates that insurers may face administrative costs associated with updating the Auto Bill of Rights and Homeowner Bill of Rights in their systems. While it is not feasible to determine the actual cost of any employees needed to comply with the requirement, TDI estimates that amending the Auto Bill of Rights and Homeowner Bill of Rights may require between 4 and 10 hours of:

- compliance officer staff time to update internal procedures so the revised bill of rights is distributed; and

- computer programming staff time to prepare and test systems to begin distributing the revised bill of rights.

Staff costs may vary depending on the skill level required, the number of staff required, and the geographic location where work is done. The 2024 median hourly wage for these positions in Texas was:

- compliance officer, $34.64; and

- computer programmer, $38.85.

These wages are as reported by the Texas Wages and Employment Projections database, which is developed and maintained by the Texas Workforce Commission, and can be found at www.texaswages.com/WDAWages. Information on median wages in other states may be obtained directly from the federal Bureau of Labor Statistics website at www.bls.gov/oes/current/oes_nat.htm.

Subject to the requirements for conducting business electronically under Insurance Code Chapter 35, insurers may send the updated Auto Bill of Rights and Homeowner Bill of Rights electronically, avoiding paper and printing costs. If an insurer prints paper copies of the Auto Bill of Rights and Homeowner Bill of Rights, TDI expects the cost to be between $0.03 and $0.05 per page for printing and paper. The Auto Bill of Rights and Homeowner Bill of Rights are both eight pages.

TDI does not anticipate additional costs for mailing or electronic distribution because the new bills of rights will be sent out in new and renewal packets that insurers already send.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that this proposal may have an adverse economic effect on any insurers that are small or micro businesses. In data the Texas Comptroller of Public Accounts provides for use in calculating the number of small businesses, its estimates indicate that there are approximately 124 insurance carriers that are considered "small businesses" as defined in Government Code §2006.001. The Economic Impact Statement and Regulatory Flexibility Analysis and the cost analysis in the Public Benefit and Cost Note section of this proposal apply to the portion of insurance carriers that write personal automobile or residential property insurance policies and are small and micro businesses. The total cost to an insurer to provide the revised bill of rights to its policyholders is not wholly dependent on the size of the insurer. Rather, the cost depends on the insurer's number of current and future policyholders. TDI does not anticipate an impact on any rural communities because the requirement to distribute bills of rights under Insurance Code §501.156 applies to insurers, not to rural communities.

In accordance with Government Code §2006.002(c-1), TDI considered the following alternatives to minimize any adverse impact on small or micro businesses while still accomplishing the proposal's objectives:

(1) not proposing the amended rules and figures;

(2) imposing different rules for small or micro business; and

(3) exempting small or micro businesses from the proposed requirements that could create an adverse effect.

Not proposing the amended rules and figures Insurance Code §501.156 requires OPIC to submit to TDI for adoption a consumer bill of rights appropriate to each personal line of insurance TDI regulates. The statute requires these consumer bills of rights to be distributed upon issuance of a policy by insurers to all applicable policyholders. Updating the Auto Bill of Rights and Homeowner Bill of Rights is necessary to reflect legislative and regulatory actions that affect the rights of insurance policyholders despite any possible impact on small or micro businesses.

To ensure compliance with the statutory requirements, TDI rejected this option.

Imposing different rules for small or micro businesses. The proposed amendments are necessary to comply with statutes and rules that require all insurers to issue the Auto Bill of Rights and Homeowner Bill of Rights to policyholders on issuance of a new or renewal policy. These statutory requirements apply to all personal automobile and homeowner insurers, regardless of size. The requirements cannot be waived or modified for small or micro businesses. For these reasons, TDI rejected this option.

Exempting small or micro businesses from the rule requirement that could create an adverse effect. The purpose of any consumer bill of rights is to notify each policyholder of their rights applicable to those personal lines of insurance. Insurance Code §501.156 requires OPIC to submit to TDI for adoption a consumer bill of rights appropriate to each personal line of insurance that TDI regulates. These statutory requirements apply to all personal automobile and homeowner insurers, regardless of size. The requirements cannot be waived or modified for small or micro businesses. For these reasons, TDI rejected this option.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does impose a possible cost on regulated persons. However, no additional rule amendments are required under Government Code §2001.0045 because publishing amended the Auto Bill of Rights and Homeowner Bill of Rights is necessary to implement Insurance Code §501.156, in light of the legislative changes to §551.109 and §554.002 and the new §559.058 and Chapter 1813. Section 501.156 requires OPIC to submit for adoption a consumer bill of rights appropriate to each personal line of insurance TDI regulates, and it is necessary for TDI to amend §5.9970 and 5.9971 to apply the updated bills of rights.

GOVERNMENT GROWTH IMPACT STATEMENT.

TDI has determined that for each year of the first five years that the proposed amendments are in effect, the amendments:

-will not create or eliminate a government program;

-will not require the creation of new employee positions or the elimination of existing employee positions;

-will not require an increase or decrease in future legislative appropriations to the agency;

-will not require an increase or decrease in fees paid to the agency;

-will not create a new regulation;

-will not expand an existing regulation by adding new requirements an insurer must comply with;

-will not increase or decrease the number of individuals subject to the rule's applicability; and

-will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments for the proposal that are received by TDI no later than 5:00 p.m., central time, on June 15, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or by mail to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a separate request before the end of the comment period to ChiefClerk@tdi.texas.gov or by mail to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on June 15, 2026. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. TDI proposes amendments to §5.9970 and §5.9971 under Insurance Code §§501.156, 551.112, 559.004, 1813.002, and 36.001.

Insurance Code §501.156 requires OPIC to submit to TDI for adoption a consumer bill of rights appropriate to each personal line of insurance TDI regulates.

Insurance Code §551.112 authorizes the commissioner to adopt rules relating to the cancellation and nonrenewal of insurance policies.

Insurance Code §559.004 authorizes the commissioner to adopt rules necessary to implement Insurance Code Chapter 559.

Insurance Code §1813.002 directs the commissioner to adopt rules necessary to implement Insurance Code Chapter 1813.

Insurance Code §36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Section 5.9970 and §5.9971 implement Insurance Code Chapter 1813 and Insurance Code §§501.156, 544.002, 551.109, 559.058, and 36.001.

§5.9970. Personal Automobile Insurance Consumer Bill of Rights.

(a) For purposes of this section, "insurer" means an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd's plan, or other legal entity authorized to write personal automobile insurance in this state. The term includes an affiliate, as described by Insurance Code §823.003(a), if that affiliate is authorized to write and is writing personal automobile insurance in this state.

(b) The Texas Department of Insurance adopts the 2026 [~~2024~~] version of the Consumer Bill of Rights - Personal Automobile Insurance (Auto Bill of Rights), and the Spanish language translation, as developed and submitted by the Office of Public Insurance Counsel:
Figure 1: 28 TAC §5.9970(b)
[~~Figure 1:~~ ~~28 TAC §5.9970(b)~~]
Figure 2: 28 TAC §5.9970(b)
[~~Figure 2:~~ ~~28 TAC §5.9970(b)~~]

(c) All insurers writing personal automobile insurance policies must provide with each new policy of personal automobile insurance

a copy of the 2026 [2024] version of the Auto Bill of Rights. At the consumer's request, the insurer may provide an electronic copy of the Auto Bill of Rights instead of a hard copy. The insurer must provide the Auto Bill of Rights with each renewal notice for personal automobile insurance unless the insurer has previously provided the policyholder with the 2026 [2024] version of the Auto Bill of Rights.

(d) The Auto Bill of Rights must appear in no less than 10-point type and be on separate pages with no other text on those pages.

(e) Insurers must provide the Spanish language version of the 2026 [2024] version of the Auto Bill of Rights to any consumer who requests it.

(f) Insurers must provide the applicable Auto Bill of Rights included in this section beginning November 1, 2026 [November 1, 2024]. Before that date, insurers may provide the Auto Bill of Rights either as it currently is included in this section or as it was included in the section as the section was amended to be effective November 1, 2024 [May 16, 2021].

§5.9971. Homeowners, Dwelling, and Renters Insurance Consumer Bill of Rights.

(a) For purposes of this section, "insurer" means an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd's plan, or other legal entity authorized to write residential property insurance in this state. The term includes an affiliate, as described by Insurance Code §823.003(a), if that affiliate is authorized to write and is writing residential property insurance in this state. The term does not include the Texas Windstorm Insurance Association or the Texas Fair Plan Association.

(b) The Texas Department of Insurance adopts the 2026 [2024] version of the Consumer Bill of Rights - Homeowners, Dwelling, and Renters Insurance (Homeowners of Rights), and the Spanish language translation, as developed and submitted by the Office of Public Insurance Counsel:
Figure 1: 28 TAC §5.9971(b)
[Figure 1: 28 TAC §5.9971(b)]
Figure 2: 28 TAC §5.9971(b)
[Figure 2: 28 TAC §5.9971(b)]

(c) All insurers writing homeowners, dwelling, or renters insurance must provide with each new policy of any such insurance a copy of the 2026 [2024] version of the Homeowners Bill of Rights. At the consumer's request, the insurer may provide an electronic copy of the Auto Bill of Rights instead of a hard copy. The insurer must provide the Homeowners Bill of Rights with each renewal notice for any such insurance unless the insurer has previously provided the policyholder with the 2026 [2024] version of the Homeowners Bill of Rights.

(d) The Homeowners Bill of Rights must appear in no less than 10-point type and be on separate pages with no other text on those pages.

(e) Insurers must provide the Spanish language version of the 2026 [2024] version of the Homeowners Bill of Rights to any consumer who requests it.

(f) Insurers must provide the applicable Homeowners Bill of Rights included in this section beginning November 1, 2026 [November 1, 2024]. Before that date, insurers may provide the Auto Bill of Rights either as it currently is included in this section or as it was included in the section as the section was amended to be effective November 1, 2024 [May 16, 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 May 1, 2026.

TRD-202601865
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

CHAPTER 12. INDEPENDENT REVIEW ORGANIZATIONS

SUBCHAPTER G. INDEPENDENT REVIEW OF PREAUTHORIZATION EXEMPTIONS

28 TAC §12.601

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §12.601, concerning review of preauthorization exemptions by independent review organizations (IROs). The amended section implements House Bill 3812, 89th Legislature, 2025. In a separate rulemaking published in this issue of the *Texas Register*, TDI proposes to amend related rules in 28 TAC §§19.1730 - 19.1733 to address other provisions related to preauthorization exemptions that are impacted by HB 3812.

EXPLANATION.

Amending §12.601 is necessary to implement HB 3812, which amended Insurance Code §4201.656(a) to specify that a physician or provider has a right to an independent review of a health plan's determination to deny a preauthorization exemption.

Descriptions of the section's proposed amendments follow.

Section 12.601.

Subsection (e) of §12.601 is amended to clarify that it applies with respect to a review of a rescission, and to update the reference to the title of §19.1733 consistent with proposed amendments to Chapter 19 included in this *Texas Register* issue.

New subsection (f) is added to address a review of a preauthorization exemption denial, consistent with proposed §19.1733(f), which permits an IRO, in some circumstances, to review a random sample. Section 12.601(f) specifies that if a denial of a preauthorization exemption is based on five or fewer adverse determinations that were not previously upheld by an IRO or external reviewer, the IRO must review all the adverse determinations to determine whether to uphold or overturn the denial. If a denial of a preauthorization exemption is based on more than five adverse determinations that were not previously upheld by an IRO or external reviewer, the IRO may select a random sample of at least five and no more than 20 adverse determinations to review. This proposed requirement aligns with the random sampling approach provided for rescission reviews in Insurance Code §4201.655 and helps ensure that IROs will be able to complete reviews within the timeframe provided in Insurance Code §4201.656(c). If the IRO determines that one or more of the adverse determinations reviewed met the applicable medical necessity criteria and should have been approved, the IRO must recalculate an adjusted approval rate. New Figure:

28 TAC §12.601(f) is included to provide guidance on calculating the adjusted approval rate as required in new subsection (f). Paragraphs (1) - (3) specify the methodology for calculating the adjusted approval rate. Current subsections (f) - (g) are redesignated as appropriate to reflect addition of new subsection (f).

New subsection (i) is added to clarify the meaning of the term "external reviewer," with reference to federal rules. Under federal law, most appeals of adverse determinations use the federal external review process, which may not involve an IRO as defined by Chapter 12.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by the statute. Ms. Bowden made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE.

For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that the proposed amendments will have the public benefits of ensuring that TDI's rules conform to Insurance Code Chapter 4201, Subchapter N, and that IROs understand how to evaluate appeals of preauthorization exemption denials.

Ms. Bowden expects that the proposed amendments will not increase the cost of compliance with Insurance Code Chapter 4201 because the amendments do not impose requirements beyond those in the statute. Amended §12.601 requires IROs to review adverse determinations related to preauthorization exemptions, including exemption denials. The amendments give IROs flexibility to select a random sample for review if the denial is based on more than five adverse determinations. The amendments are necessary to conform to Insurance Code §4201.656(a) as amended by HB 3812. As a result, any costs an IRO may incur in updating procedures to address review of preauthorization exemption denials are not directly attributable to this rule proposal.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.

TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045.

TDI has determined that this proposal does not impose a possible cost on regulated persons. However, even if the proposal did impose a cost on regulated persons, no additional rule amendments are required under Government Code §2001.0045 because the proposed amendments are necessary to implement legislation. The proposed rule implements Insurance Code §4201.656 as amended by HB 3812.

GOVERNMENT GROWTH IMPACT STATEMENT.

TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;

- will not require the creation of new employee positions or the elimination of existing employee positions;

- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;

- will not create a new regulation;

- will expand, limit, or repeal an existing regulation;

- will not increase or decrease the number of individuals subject to the rule's applicability; and

- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT.

TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT.

TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on June 17, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2866. This proposal will be part of a rule hearing docket that will begin at 1:00 p.m., central time, on June 15. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.029. Visit www.tdi.texas.gov/alert/event/index.html for more information on the proposed rule, hearing, and comment submission.

STATUTORY AUTHORITY.

TDI proposes amendments to §12.601 under Insurance Code §§4201.003, 4202.002 and 36.001.

Insurance Code §4201.003 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §4202.002 authorizes the commissioner to adopt standards and rules for the operation of independent review organizations.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Amendments to §12.601 implement Insurance Code §4201.656(a) as amended by HB 3812.

§12.601. Preauthorization Exemptions.

(a) In this section, the following words and terms have the following meanings unless context clearly indicates otherwise.

(1) Adverse determination regarding a preauthorization exemption--Has the same meaning as defined in §19.1730 of this title (relating to Definitions).

(2) Issuer--Has the same meaning as defined in §19.1730 of this title.

(3) Physician--Has the same meaning as defined by Insurance Code §843.002, concerning Definitions.

(4) Preauthorization exemption--Has the same meaning as defined in §19.1730 of this title.

(5) Provider--Has the same meaning as defined in Insurance Code §843.002.

(b) An independent review of an adverse determination regarding a preauthorization exemption, the independent review organization (IRO) that performs the review, and the appropriate issuer are subject to Insurance Code Chapter 4201, Subchapter N, concerning Exemption from Preauthorization Requirements for Physicians and Providers Providing Certain Health Care Services, and the associated standards and requirements in this chapter, except as otherwise specified in this section.

(c) For purposes of this section, a physician or provider should be identified using the National Provider Identifier under which a physician or provider makes preauthorization requests.

(d) Notwithstanding §12.501 of this title (relating to Requests for Independent Review), an issuer must submit a request for independent review of an adverse determination regarding a preauthorization exemption to the department on behalf of a physician or provider.

(e) For a review of a rescission of a preauthorization exemption, if [~~If~~] a second random sample is requested under Insurance Code §4201.656(d), concerning Independent Review of Exemption Determination, and available as provided in §19.1733(e) of this title (relating to Utilization [~~Retrospective~~] Reviews and Appeals of Preauthorization Exemption Denials and Rescissions), the IRO must identify, from the list of eligible claims provided by the issuer, a second random sample of at least five and no more than 20 claims. The IRO must review each claim that the issuer retrospectively reviewed and determined did not meet the applicable medical necessity criteria and, if applicable, each claim included in the second random sample identified by the IRO. Consistent with Insurance Code §4201.656(b), the IRO may request any medical records needed to evaluate the claims subject to review and must provide at least three business days for receipt of records. Based on the total number of claims in the initial random sample and, if applicable, the second random sample, the IRO must determine whether to affirm or overturn the issuer's determination that less than 90% [~~90 percent~~] of the claims met the applicable medical necessity criteria.

(f) For a review of a denial of a preauthorization exemption, if the denial notice provided by the issuer identifies five or fewer adverse determinations that have not previously been upheld by an IRO or external reviewer, the IRO must review all adverse determinations included on the denial notice. Consistent with §19.1733(f) of this title, if the denial notice identifies more than five adverse determinations that have not previously been upheld by an IRO or external reviewer, the IRO may select a random sample of at least five and no more than 20 adverse determinations to review. If the IRO determines that one or more of the adverse determinations reviewed met the medical necessity criteria and should have been approved, the IRO must calculate an adjusted approval rate to determine whether the denial of preauthorization exemption is overturned. Figure: 28 TAC §12.601(f) contains illustrative guidance on how to calculate an adjusted approval rate consistent with this section.

Figure: 28 TAC §12.601(f)

(1) To calculate the adjusted number of approved preauthorization requests, multiply the percent of the adverse determinations reviewed that the IRO determines should have been approved by the number of preauthorization requests included in the evaluation that were adversely determined, and add that product to the number of preauthorization requests that were approved during the evaluation period.

(2) To calculate the adjusted approval rate, divide the adjusted number of approved preauthorization requests by the total number of preauthorization requests.

(3) If the adjusted approval rate is 90% or higher, the denial is overturned and the issuer must grant the preauthorization exemption.

(g) [~~(f)~~] Appeals for an adverse determination regarding a preauthorization exemption to an IRO follow the department's process for assigning IROs under §12.502 of this title (relating to Random Assignment), except that notification under §12.502(a) will only be made to the IRO, the issuer, and the physician or provider.

(h) [~~(g)~~] Section 12.206 of this title (relating to Notice of Determinations Made by Independent Review Organizations) does not apply to a review by an IRO under this section. An IRO must complete its review and provide timely notice to an issuer regarding its determination, consistent with the timeframe provided under Insurance Code §4201.656(c).

(i) For the purposes of this section, the term "external reviewer" refers to an entity that conducts external review under 45 CFR §147.136, concerning Internal Claims and Appeals and External Review Processes.

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 May 1, 2026.

TRD-202601867
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

CHAPTER 19. LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

The Texas Department of Insurance (TDI) proposes to amend 28 TAC:

- Section 19.1006 and §19.1028, concerning licensee continuing education courses and requirements for adjuster licensing, and annuity certification courses;

- Sections 19.1702, 19.1705, 19.1706, 19.1709, and 19.1710, concerning utilization review;

- Sections 19.1730 - 19.1733, concerning preauthorization exemptions;

- Sections 19.1801 and §19.1803, concerning prior authorization request forms; and

- Sections 19.2005, 19.2006, 19.2009, and 19.2010, concerning utilization review and utilization review agents under workers' compensation insurance coverage.

TDI also proposes new §19.1734, concerning preauthorization exemptions. The proposed amendments and new section implement House Bills 2221 and 3812, 89th Legislature, 2025, and Senate Bill 815, 89th Legislature, 2025. The proposed amendments also implement House Bill 4611, 88th Legislature, 2023; Senate Bill 1296, 84th Legislature, 2015; and Senate Bill 1216, 83rd Legislature, 2013.

EXPLANATION.

HB 2221 reorganized Insurance Code provisions related to rebating and unlawful inducements by repealing certain provisions in Insurance Code Chapter 541 and enacting similar provisions in new Insurance Code Chapter 1702. To conform to HB 2221, the proposal amends §19.1006 and §19.1028, which reference Insurance Code Chapter 541. The amendments revise provisions that reference Insurance Code Chapter 541 to also reference Insurance Code Chapter 1702.

SB 815 prohibits a utilization review agent (URA) from using an automated decision system to make an adverse determination. To implement this provision, the proposal amends §19.1705(d) and §19.2005(d) to reference new Insurance Code §4201.156. SB 815 also modifies the required contents of adverse determination notices. To implement these changes, the proposal amends §19.1709(c) and §19.2009(b) to conform to Insurance Code §4201.303.

SB 1216 created Insurance Code §1217.004(b), which requires issuers to exchange prior authorization requests electronically with a physician or provider who initiates a request electronically. This requirement applies "not later than the second anniversary of the date national standards for electronic prior authorization of benefits are adopted." Recent federal rules adopted 45 CFR §156.223, which requires qualified health plans to maintain electronic systems for prior authorization that meet federal standards. By establishing national electronic prior authorization standards and requiring commercial health plans to use those standards, the federal rules trigger the implementation of Insurance Code §1217.004(b). The proposal amends §19.1702 to reference Insurance Code Chapter 1217 and amends §19.1705 to add new subsection (g) to implement §1217.004 no later than January 1, 2027. This proposed date aligns with the deadline provided in the federal rules at 45 CFR §156.223.

HB 3812 amended Insurance Code §4201.152 to specify that a physician who directs utilization review may not hold a license to practice administrative medicine. To implement this provision, the proposal amends requirements related to URA personnel in §19.1706 (for health plans) and §19.2006 (for workers' compensation) to reference Insurance Code Chapter 4201.

HB 3812 also amended provisions in Insurance Code Chapter 4201, Subchapter N, related to preauthorization exemptions. To implement these changes, the proposal amends §§19.1730 - 19.1733. The amendments:

- add a definition for "affiliate" and revise the definitions of "adverse determination regarding a preauthorization exemption" and "evaluation";

- modify the definition of "evaluation period" by raising the period from six months to one year;

- require evaluations to include preauthorization requests submitted to either an issuer or its affiliate, and to include requests regardless of whether the request was made in connection with a plan subject to Insurance Code Chapter 4201, Subchapter N;

- clarify the requirements for review of fewer than five claims;

- update the evaluation time periods;

- add requirements addressing notice of a denial of a preauthorization exemption; and

- permit a physician or provider to appeal an exemption denial to an independent review organization (IRO).

Consistent with new Insurance Code §4201.660, the proposal adds new §19.1734 to specify data submission requirements for issuers to report annual data and provides that the reports are public information subject to disclosure under the Public Information Act, Government Code Chapter 552. In a separate rulemaking also published in this issue of the *Texas Register*, TDI proposes to amend 28 TAC §12.601 to address the independent review process related to denials of preauthorization exemptions.

HB 4611 reorganized Medicaid provisions in the Government Code by repealing Chapter 533 and adding new Chapter 540. To conform to these bills, the proposal amends §19.1801 and §19.1803 to remove outdated references to Government Code Chapter 533 and replace them with references to Government Code Chapter 540.

SB 1296 made nonsubstantive changes and corrections, including redesignating Insurance Code Chapter 1369, Subchapter F--as added by Senate Bill 644, 83rd Legislature, 2013--as Insurance Code Chapter 1369, Subchapter G. To conform to this change, the rule amends §19.1803(7) to correct a code reference.

Unrelated to specific legislation, the proposal also makes some minor changes to utilization review provisions. Screening criteria requirements in §19.1705 are amended to clarify that screening criteria must not be more restrictive than the Insurance Code's coverage standards. To increase transparency for recipients of adverse determination notices, the notice requirements in §19.1709 are amended to require inclusion of either the name or national provider identifier of the physician or provider who made the adverse determination. To address questions that have arisen from URAs, §19.1710 and §19.2010 are amended to clarify expectations when it is not feasible to provide a "reasonable opportunity" for the physician or provider to discuss the treatment plan before an adverse determination.

Descriptions of the proposed new and amended sections follow.

Subchapter K.

Section 19.1006.

An amendment to §19.1006 adds new subparagraph (D) to subsection (a)(8) regarding topics that are approved for continuing education courses for licensees. Subsequent subparagraphs are redesignated to reflect addition of the new subparagraph. This addition references Insurance Code Chapter 1702, which was added under HB 2221. HB 2221 also repealed Insurance Code §§541.056 - 541.058, and it created similar provisions within new Chapter 1702. The reference to Chapter 541 in current §19.1006(a)(8)(A) is retained, as there are other provisions in Chapter 541 that are not repealed and thus continue to apply.

Subsection (a)(8)(E), as redesignated, is amended to correct the title of a statutory citation.

Section 19.1028.

An amendment to §19.1028 adds paragraph (3) to subsection (g) regarding subjects that must be included in an annuity certification course outline. This addition references Insurance Code Chapter 1702, which was added by HB 2221. The reference to Insurance Code §§541.051 - 541.061 in current §19.1028(g)(2) is retained, as there are some provisions that continue to apply. Existing paragraphs within subsection (g) that follow new paragraph (3) are redesignated to reflect addition of the new paragraph. Amendments to the section also change "shall" to "must" each place where the word appears in subsections (c) - (e); change "subchapter" to "title" in subsections (b), (c)(1), (d), and (f); and remove superfluous uses of the word "the" in subsection (g)(1), (2), and (5), for consistency with agency rule drafting style.

Subchapter R, Division 1.

Section 19.1702.

Subsection (b) of §19.1702 is amended to add a reference to Insurance Code Chapter 1217. This addition clarifies that Chapter 1217, regarding the standard request form for prior authorization of health care services, applies to Subchapter R. In addition, an amendment adds the title of Insurance Code Chapter 4201 to subsection (a), for consistency with agency rule drafting style.

Section 19.1705. Subsections (b) and (c) of §19.1705 are amended to add titles to the Insurance Code citations to conform to agency style and enhance readability.

Amendments to subsection (c) also specify that screening criteria must not be more restrictive than the coverage standards in Title 8, Subtitle E, of the Insurance Code. In recent years, legislation has added coverage standards that constrain or interact with health plan screening criteria. This change is necessary to remind utilization review agents that screening criteria must comply with Texas requirements.

To implement SB 815, subsection (d) is amended to reference new Insurance Code §4201.156. Current subsection (d) requires a referral to a physician or other health care provider with appropriate credentials to make adverse determinations. The added reference clarifies that these determinations must be consistent with the prohibition in §4201.156, effective January 1, 2026, against using automated decision systems to make an adverse determination.

Subsection (g) is added to implement Insurance Code §1217.004, as added by SB 1216. It requires an issuer to maintain an electronic prior authorization system that meets national standards, no later than January 1, 2027. The Insurance Code requires plans to make electronic prior authorization available "not later than the second anniversary of the date national standards for electronic prior authorization of benefits are adopted." In February 2024, the Centers for Medicare and Medicaid Services (CMS) adopted 45 CFR §156.223, requiring qualified health plans to use application programming interfaces (APIs) to make various types of information and transactions available electronically, including a "HIPAA-compliant prior authorization request and response." The federal rule applies for plan years beginning on or after January 1, 2027. While a corresponding requirement exists for prior authorization of prescription drug benefits in Insurance Code §1369.304, TDI is not implementing that requirement at this time, because the federal rule at 45 CFR §156.223 currently excludes prescription drugs. TDI will monitor future federal rulemaking related to electronic prior authorization standards, including 91 FR 19890, and will consider broadening subsection (g) at adoption to implement Insurance Code §1369.304, if appropriate.

Section 19.1706.

To implement the personnel provisions in HB 3812 and other legislation that has specified physician licensure requirements, subsection (a) is amended to reference Insurance Code Chapter 4201, and new subsection (f) is added to require utilization review to be conducted under the direction of a licensed physician, consistent with Insurance Code §4201.152, which requires that the physician does not hold a license to practice administrative medicine. This aligns with a corresponding provision in §19.2006. Nonsubstantive amendments are made in subsections (a)(1) and (e) to correct legal citations and add title references to conform to agency style.

Section 19.1709.

To implement SB 815, the elements required in an adverse determination notice under subsection (c)(3) are amended to align with Insurance Code §4201.303(a), which requires both a description and the source of the screening criteria and review procedures used in the determination. To increase transparency to recipients of adverse determination notices, subsection (c)(4) is amended to require URAs to include either the name or the National Provider Identifier of the physician, doctor, or other health care provider that made the adverse determination.

Nonsubstantive amendments are made in subsections (b), (e), and (f) to add titles to Insurance Code references to conform to agency style, change "C.F.R." to "CFR" in subsection (e)(2), and to make "time frame" or "time frames" one word in subsections (e)(3), (e)(4), and (f)(1).

Section 19.1710.

The existing provisions in §19.1710 are designated as subsection (a). Also, to reflect plain language and align with the definition of "reasonable opportunity" in §19.1703, the phrase "prior to the issuance of" is replaced with "before issuing."

New subsection (b) is added to clarify a URA's responsibility when the timeframe for issuing a determination prevents the opportunity from satisfying the "reasonable opportunity" definition in §19.1703. A reasonable opportunity is defined as one working day (during normal business hours). However, under Insurance Code §§843.348, 1301.135, and 4201.304, there are some circumstances when the timeframe for issuing an adverse determination may be shorter--such as 24 hours for an individual who is an inpatient in a facility or one hour for poststabilization care after emergency treatment. New subsection (b) clarifies that a URA must act in good faith to provide a reasonable opportunity for a peer-to-peer discussion before issuing an adverse determination. However, if there are fewer than 12 hours available during normal business hours between the time a request is received and the time a determination must be issued, the URA must issue the determination within the required timeframe.

Subchapter R, Division 2.

Section 19.1730.

The proposed amendments add the defined term "affiliate" to align with Insurance Code §4201.651, renumber subsequent definitions to reflect addition of the new defined term, renumber internal paragraph references to reflect the renumbered defi-

nitions, and amend certain definitions to conform to changes made by HB 3812.

The definition of "adverse determination regarding a preauthorization exemption" is amended to broaden the term to include adverse determinations in connection with a denial of a preauthorization exemption, in addition to a rescission. The definition of "eligible preauthorization request" is amended to include preauthorization requests submitted to an issuer or an affiliate of the issuer, regardless of whether the request was made in connection with a policy or plan subject to Insurance Code Chapter 4201, Subchapter N. The definition of "evaluation" is amended to reference the evaluation threshold of five eligible preauthorization requests and specify that all preauthorization requests submitted to the issuer or its affiliate must be included. The definition of "evaluation period" is amended to permit an issuer to determine the evaluation period for a determination issued on or after September 1, 2025, as long as the end of the evaluation period is not more than 12 months from the last day of the previous evaluation period. References to a six-month evaluation period are updated to a 12-month period.

To simplify the contents of the definition, the requirement limiting the amount of time between the evaluation period ending and the provision of the notice is removed from §19.1730(6)(C) and a similar provision is added to §19.1732(d). Conforming changes are made to paragraph cross-reference citations to reflect this change.

Section 19.1731.

Subsection (b) of §19.1731 is amended to clarify that the evaluation requirement applies to all eligible preauthorization requests submitted to the issuer or its affiliate. References to when requests are finalized are removed to avoid duplication with the definition of "eligible preauthorization request." Subsection (c) is amended to clarify the number of claims that must be reviewed to rescind an exemption, depending on whether there are at least five claims available for review. A conforming change is made to a cross-reference citation to reflect the renumbering of definitions in §19.1730.

Section 19.1732.

Subsection (a) of §19.1732 is amended to remove the requirement for an exemption to be in place at least six months, since HB 3812 provides a longer timeframe.

Subsection (b) is amended to require denial and rescission notices to comply with §19.1732 and specify that sample forms are available on TDI's website at www.tdi.texas.gov/forms. Language in subsection (b) concerning denial notice requirements is removed because more detailed requirements are proposed in new subsection (e).

Subsection (c) is amended to remove the initial evaluation period and notice deadline, which has now passed, and to update a cross-reference citation to reflect the renumbering of definitions in §19.1730.

Subsection (d) is amended to require that a notice of rescission be provided no later than three months following the day after the end of the evaluation period. This provision replaces the two-month-notice requirement previously contained in §19.1730(6)(C), as redesignated. Since HB 3812 modified Insurance Code §4201.655(a)(1) to allow a rescission to occur only in January (instead of January or June), this additional month will give issuers more time to evaluate and process proposed rescissions. Subsection (d) is also amended to remove the reference to a sample form, which is now provided in subsection (b), and to remove a duplicative issue date requirement from paragraph (2). To correct grammar and readability, a nonsubstantive change is made to subsection (d)(3)(C). In addition, a reference to the title of Insurance Code §4201.655 is added to the subsection.

Current subsection (e) is redesignated as subsection (f), and new subsection (e) is added to specify the requirements for notifying a physician or provider that their request for a preauthorization exemption is denied. The new notice requirements, which include information about the preauthorization requests that were evaluated and how to request an independent review of the denial, are consistent with Insurance Code §4201.656(a), as amended by HB 3812.

Section 19.1733.

The title of §19.1733 is amended to conform with HB 3812 by replacing "retrospective" with "utilization" and adding a reference to denials of preauthorization exemptions.

Subsection (b) is amended to update a cross-reference citation to reflect the renumbering of definitions in §19.1730.

Subsection (c) is amended to clarify that the subsection applies when a physician or provider receives a notice of rescission or denial and clarifies the deadlines for a physician or provider to request an independent review of a denial or a rescission of a preauthorization exemption.

Subsection (d) is amended to broadly reference "an adverse determination regarding a preauthorization exemption," thereby including both rescissions and denials, and to expand a reference to a rescission to add "or denial," to align with Insurance Code §4201.656(a) as amended by HB 3812. A reference to §19.1732 is corrected to remove a reference to subsection (c), since the forms to request an independent review are addressed in subsections (b), (d), and (e). In the context of a denial of a preauthorization exemption, the physician or provider would have already had the opportunity to appeal to an IRO for each adverse determination included in the evaluation. Subsection (d) is also amended to clarify that an adverse determination that was previously appealed to and upheld by an IRO is not eligible for a subsequent independent review. To conform to agency style, subsection (d) is amended to add the title of an Insurance Code citation.

New subsection (f) is added to explain the scope of the IRO's review for a denial of a preauthorization exemption, with reference to 28 TAC §12.601(f). Section 12.601(f) is a new provision proposed in a separate rulemaking, also published in this issue of the *Texas Register*, that permits an IRO, in some circumstances, to review a random sample of adverse determinations to determine whether a denial of a preauthorization exemption should be overturned. To ensure that it is feasible for an IRO to meet the deadline provided in Insurance Code §4201.656(c), subsection (f) permits an IRO to review a random sample of at least five but not more than 20 adverse determinations. Subsection (f) also clarifies that an IRO's determination of an adverse determination reviewed in connection with a preauthorization denial does not impact the status of the original preauthorization request. TDI also proposes to amend §12.601 to provide additional detail regarding how IRO determinations related to denials must be calculated. Current subsection (f) and subsequent subsections are redesignated to reflect the addition of new subsection (f).

Section 19.1734.

New §19.1734 is added to specify reporting requirements, consistent with Insurance Code §4201.660, as added by HB 3812. Subsection (a) specifies an annual due date of March 1, and a requirement to use the form on TDI's website. Subsection (b) specifies the contents of the report, including the issuer's name, National Association of Insurance Commissioners (NAIC) number, and contact information; name and NAIC number of each affiliate of the issuer; the number of lives covered by the issuer and each affiliate within each line of business; the number of particular health care services requiring preauthorization; the number of in-network physicians and providers; and the number of in-network physicians and providers receiving at least one preauthorization exemption.

Data on the number of preauthorization requests under each line of business will provide context for policymakers on the volume of data being added by inclusion of affiliates and lines of business that are not subject to Insurance Code Chapter 4201, Subchapter N. Data must be reported for each line of business in which the issuer or affiliate offers health coverage that includes a preauthorization requirement.

Lines of business include insurance products subject to Insurance Code Chapter 4201, Subchapter N, including major medical and vision; HMO products subject to Insurance Code Chapter 4201, Subchapter N, including major medical, vision, and dental; insurance and HMO products *not* subject to Insurance Code Chapter 4201, Subchapter N, including major medical, vision, and dental; Medicaid managed care; the Children's Health Insurance Program (CHIP); Medicare Advantage; and administrative services only, including services in connection with major medical, vision, and dental.

Paragraph (6) of subsection (b) specifies the data that must be submitted concerning exemptions for each particular health care service, including the number of new evaluations conducted and how many were granted versus denied; the number of exemptions in place that were previously granted, how many were evaluated, and how many were rescinded; and the number of appeals that were requested for denials or rescissions, and how many denials and rescissions were upheld or overturned on appeal.

Subchapter S.

Section 19.1801. To implement HB 4611, which reorganized Medicaid provisions in the Government Code, §19.1801 is amended to remove the outdated reference to Government Code Chapter 533. The section is amended to simply reference Insurance Code Chapter 1217 and Chapter 1369, Subchapter G, rather than restating the statutory applicability provisions.

Section 19.1803. Paragraph (6)(B)(iii) of §19.1803 is amended to reference Government Code Chapter 540, instead of Chapter 533, which was repealed and replaced by HB 4611. Paragraph (7) is amended to replace a reference to Insurance Code §1369.252 with a reference to Insurance Code §1369.302 because the section was redesignated in 2015 by SB 1296. To conform to agency style, paragraphs (6) - (8) are amended to add titles to statutory citations.

Subchapter U.

Section 19.2005. To implement SB 815, subsection (d) is amended to reference new Insurance Code §4201.156. Nonsubstantive amendments are made in subsections (c) - (e) to add titles to statutory citations to conform to agency style.

Section 19.2006. To implement the personnel provisions in HB 3812 and other legislation that has specified physician licensure requirements, subsection (a) is amended to reference Insurance Code Chapter 4201. Nonsubstantive amendments to subsection (a) are made to add or correct titles to statutory citations to conform to agency style and to correct an outdated rule citation.

Subsection (e) is amended to add a reference to Insurance Code §4201.152.

Section 19.2009. To implement SB 815, the elements required in an adverse determination notice under subsection (b)(7) and (8) are amended to align with Insurance Code §4201.303(a), which requires both a description of and the source of the screening criteria and review procedures used in the determination. To conform to agency style, a nonsubstantive amendment was made to a federal code citation in subsection (a)(4) and a title was added to a code reference in subsection (b)(8).

Section 19.2010. The existing provisions in §19.2010 are designated as subsection (a). To reflect plain language and align with the definition of "reasonable opportunity" in §19.2003, the phrase "prior to the issuance of" is replaced with "before issuing."

New subsection (b) is added to clarify a URA's responsibility when the timeframe for issuing a determination prevents the opportunity from satisfying the "reasonable opportunity" definition in §19.2003. A reasonable opportunity is defined as one working day (during normal business hours). However, under Insurance Code §4201.304, there are some circumstances when the timeframe for issuing an adverse determination may be shorter, such as one hour for poststabilization care after emergency treatment. New subsection (b) clarifies that a URA must act in good faith to provide a reasonable opportunity for a peer-to-peer discussion before issuing an adverse determination. However, if there are fewer than 12 hours available during normal business hours between the time a request is received and the time a determination must be issued, the URA must issue the determination within the required timeframe.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.

Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the sections as proposed are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering them, other than that imposed by statute. Ms. Bowden made this determination because the sections as proposed do not add to or decrease state revenues or expenditures and because local and state government entities are only involved in enforcing or complying with the proposed amendments when acting in the capacity of a workers' compensation insurance carrier. Those entities will be affected in the same way as an insurance carrier and will realize the same benefits from the proposed amendments.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE.

For each year of the first five years the sections as proposed are in effect, Ms. Bowden expects that administering and enforcing them will have the public benefits of ensuring that TDI's rules conform to Insurance Code Chapters 1217 and 4201 and do not reference repealed statutes. The proposed amendments will also have the benefit of ensuring that screening criteria used

for utilization review is no less restrictive than the coverage standards addressed in Insurance Code Title 8, Subtitle E.

Ms. Bowden expects that the sections as proposed will not increase the cost of compliance with Insurance Code Chapters 1217 or 4201 because the amendments do not impose requirements beyond those in statute. Health benefit plans are required to process electronic prior authorization requests under Insurance Code Chapter 1217 and grant preauthorization exemptions and report data under Insurance Code Chapter 4201, Subchapter N. Under Insurance Code §4201.152, utilization review must be conducted under the direction of a physician licensed to practice medicine in Texas. The physician may not hold a license to practice administrative medicine. Utilization review agents are also required to update adverse determination notices to comply with SB 815. As a result, the cost associated with developing electronic prior authorization systems, updating evaluation processes and reporting data for preauthorization exemptions, hiring utilization review directors without administrative medical licenses, and updating adverse determination notices does not result from enforcement or administration of the sections as proposed.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.

TDI has determined that the sections as proposed will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045.

TDI has determined that this proposal does not impose a possible cost on regulated persons. However, even if the proposal did impose a cost on regulated persons, no additional rule amendments are required under Government Code §2001.0045 because the sections as proposed are necessary to implement legislation. The proposed rule implements Insurance Code Chapter 1702 and §§4201.002, 4201.152, 4201.156, 4201.303, 4201.651, 4201.653, 4201.655, 4201.656, 4201.658, 4201.659, and 4201.660, as added or amended by HB 2221, HB 3812, and SB 815, and Insurance Code §1217.004, as added by SB 1216.

GOVERNMENT GROWTH IMPACT STATEMENT.

TDI has determined that for each year of the first five years that the sections as proposed are in effect, the proposed rule:

- will not create or eliminate a government program;

- will not require the creation of new employee positions or the elimination of existing employee positions;

- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;

- will create a new regulation;

- will expand, limit, or repeal an existing regulation;

- will not increase or decrease the number of individuals subject to the rule's applicability; and

- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT.

TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT.

TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on June 17, 2026. Consistent with Government Code §2001.0024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2866. This proposal will be part of a rule hearing docket that will begin at 1:00 p.m., central time, on June 15, 2026. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.029. Visit www.tdi.texas.gov/alert/event/index.html for more information on the proposed rule, hearing, and comment submission.

SUBCHAPTER K. CONTINUING EDUCATION, ADJUSTER PRELICENSING EDUCATION PROGRAMS, AND CERTIFICATION COURSES

28 TAC §19.1006, §19.1028

STATUTORY AUTHORITY.

TDI proposes amendments to §19.1006 and §19.1028 under Insurance Code §§4004.103, 4004.104, 4004.203, and 36.001.

Insurance Code §4004.103 provides that the commissioner may adopt rules establishing other requirements for continuing education program providers.

Insurance Code §4004.104 authorizes TDI to establish the scope and type of continuing education requirements for each type of licensee.

Insurance Code §4004.203 provides that the commissioner by rule adopt criteria for continuing education programs used to satisfy the requirements of Insurance Code §4004.202.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement TDI's powers and duties under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Amendments to §19.1006 and §19.1028 implement Insurance Code Chapters 1702 and 4004, and HB 2221.

§19.1006. Course Criteria.

(a) To be certified as a continuing education course, the course content must include topics that contribute substantive knowledge relating to the business of insurance and expand the competence of the licensee. Ethics and consumer protection course credit, described in

paragraph (8) of this subsection, applies equally to all license types. TDI will not approve a course if it does not relate specifically to the business of insurance. Given that restriction, approved topics include, but are not limited to, the following:

(1) actuarial mathematics, statistics, and probability;

(2) assigned risk;

(3) claims adjusting;

(4) courses leading to and maintaining insurance designations;

(5) employee benefit plans;

(6) errors and omissions;

(7) estate planning/taxation;

(8) ethics and consumer protection, only if the course also provides instruction consistent with one or more of the following topics:

(A) Insurance Code Chapter 541, concerning Unfair Methods of Competition and Unfair or Deceptive Acts or Practices;

(B) Insurance Code Chapter 547, concerning False Advertising by Unauthorized Insurers;

(C) Insurance Code Chapter 542, Subchapter A, concerning Unfair Claim Settlement Practices;

(D) Insurance Code Chapter 1702, concerning Regulation of Certain Trade Practices;

(E) [~~(D)~~] Business and Commerce Code Chapter 17, Subchapter E,
concerning Deceptive Trade Practices and Consumer Protection [~~Act~~];

(F) [~~(E)~~] analogous laws as specified by TDI, including:

(i) Insurance Code Chapter 1952, Subchapter G, concerning Repair of Motor Vehicles;

(ii) Insurance Code Chapter 542, Subchapter B, concerning Prompt Payment of Claims;

(iii) Insurance Code Chapter 542, Subchapter D, concerning Notice of Settlement of Claim Under Casualty Insurance Policy;

(iv) Insurance Code Chapter 542, Subchapter E, concerning Recovery of Deductible From Third Parties Under Certain Automobile Insurance Policies;

(v) §5.501 of this title (relating to Notice Requirements to Claimants Regarding Motor Vehicle Repairs); and

(vi) Penal Code Chapter 35, concerning Insurance Fraud;

(G) [~~(F)~~] corporate ethics;

(H) [~~(G)~~] ethical challenges of licensees;

(I) [~~(H)~~] ethical behavior of an insurance company;

(J) [~~(I)~~] ethical behavior of an agent or adjuster;

(K) [~~(J)~~] duties of the licensee to company, client, and customer;

(L) [~~(K)~~] duties of insurer/HMO to agents/clients;

(M) [~~(L)~~] fiduciary responsibility;

(N) [~~(M)~~] unfair marketing practices;

(O) [~~(N)~~] difference between ethics and laws;

(P) [~~(O)~~] confidentiality, privacy, and ethics;

(Q) [~~(P)~~] ethical analysis of the licensee's job;

(R) [~~(Q)~~] philosophical approaches to ethics; or

(S) [~~(R)~~] business ethics;

(9) fundamentals/principles of insurance;

(10) insurance accounting/actuarial considerations;

(11) insurance contract/policy comparison and analysis;

(12) insurance fraud;

(13) insurance laws, rules, regulations, and regulatory updates;

(14) insurance policy provisions;

(15) insurance product-specific knowledge;

(16) insurance rating/underwriting/claims;

(17) insurance tax laws;

(18) legal principles;

(19) long-term care/partnership;

(20) loss prevention, control, and mitigation;

(21) managed care;

(22) principles of risk management;

(23) proper uses of insurance products;

(24) Real Estate Settlement Procedures Act;

(25) restoration--addresses claims, loss control issues, and mitigation;

(26) retirement planning;

(27) securities;

(28) suitability in insurance products;

(29) surety bail bond;

(30) underwriting principles; and

(31) viaticals/life settlements.

(b) To be certified as an adjuster prelicensing education course or program, the course content must enhance the student's knowledge, understanding, and/or professional competence regarding the subjects set forth in §19.1017 and §19.1018 of this title (relating to Adjuster Prelicensing Education Course Content and Examination Requirements and Adjuster Prelicensing Examination Topics). Unless specifically stated otherwise, this subchapter applies equally to courses certified for continuing education and adjuster prelicensing purposes.

(c) To be certified as a long-term care partnership certification course, the course content must enhance the student's knowledge, understanding, and professional competence regarding the subjects specified in §19.1022 of this title (relating to Long-Term Care Partnership Certification Course). Unless specifically stated otherwise, this subchapter applies equally to courses certified for continuing education and long-term care partnership certification and long-term care partnership continuing education purposes.

(d) To be certified as a Medicare-related product certification course, the course content must enhance the student's knowledge, understanding, and professional competence regarding the subjects spec-

ified in §19.1024 of this title (relating to Medicare-Related Product Certification Course). Unless specifically stated otherwise, this subchapter applies equally to courses certified for continuing education, Medicare-related product certification, and Medicare-related product continuing education purposes.

(e) To be certified as a small employer health benefit plan specialty certification course, the course content must enhance the student's knowledge, understanding, and professional competence regarding the subjects specified in §19.1026 of this title (relating to Small Employer Health Benefit Plan Specialty Certification Course). Unless specifically stated otherwise, this subchapter applies equally to courses certified for continuing education and small employer health benefit plan specialty certification.

(f) To be certified as an annuity certification or continuing education course, the course content must enhance the student's knowledge, understanding, and professional competence regarding the subjects specified in §19.1028(g)(1) - (4) of this title (relating to Annuity Certification Course). Unless specifically stated otherwise, this section applies equally to courses certified for continuing education and annuity certification.

(g) The following course content is not applicable to a licensee's continuing education requirements:

(1) meetings held in conjunction with the regular business of the licensee or courses or training relating to the marketing and business practices of a specific company;

(2) course content teaching general accounting, speed reading, other general business skills, computer use, or computer software application use;

(3) course content teaching motivation, goal-setting, time management, communication, sales, or marketing skills;

(4) course content providing for prelicensing training qualifying examination preparation;

(5) course content that does not meet the requirement of subsection (a) of this section; and

(6) course content that is substantially:

(A) a glossary, dictionary, or index of insurance terms without independent distinction as to the application of these terms to the business of insurance through case studies or analysis based on actual or hypothetical factual situations that apply to the business of insurance; or

(B) a recitation of statutes, rules, legal principles, or theories without independent distinction as to the application of these issues to the business of insurance through case studies or analysis based on actual or hypothetical factual situations that apply to the business of insurance.

(h) A single continuing education course may include both ethics and consumer protection credit topics with other topics meeting the requirements of subsection (a) of this section.

§19.1028. Annuity Certification Course.

(a) An individual who obtains a current resident agent license issued by the department on or after April 1, 2010, or renews a resident agent license on or after April 1, 2010, may not sell, solicit, or negotiate a contract for an annuity or represent an insurer in relation to an annuity in this state until they have completed the annuity certification course as specified in this section.

(b) Licensees that may qualify for the exemption provided under §19.1004(b) or (c) of this title [~~subchapter~~] (relating to Licensee Exemption from and Extension of Time for Continuing Education) are not exempt from the provisions of this section.

(c) This subsection establishes the standards for an annuity certification course. The course must [~~shall~~]:

(1) be submitted to the department for approval in compliance with §19.1007 of this title [~~subchapter~~] (relating to Course Certification Submission Applications, Course Expirations, and Resubmissions);

(2) be at least four hours in length; and

(3) cover each of the subjects described in subsection (g) of this section.

(d) Licensees may count an annuity certification course toward completion of the continuing education requirements prescribed in §19.1003 of this title [~~subchapter~~] (relating to Licensee Requirements). If a licensee chooses to use an annuity certification course to satisfy a portion of the continuing education requirements prescribed in §19.1003 of this title [~~subchapter~~], the licensee must [~~shall~~] comply with §19.1013 of this title [~~subchapter~~] (relating to Licensee Record Maintenance).

(e) A licensee must [~~shall~~] maintain proof of completion of an annuity certification course for a period of four years from the date of completion of the course. Upon request, the licensee must [~~shall~~] provide proof of completion of the annuity certification course to the department.

(f) A provider issued completion certificate for an annuity certification course must comply with the requirements of §19.1011 of this title [~~subchapter~~] (relating to Requirements for Successful Completion of Continuing Education Courses).

(g) Course subjects for an annuity certification course outline must include each of the following topics:

(1) the requirements of [~~the~~] Insurance Code Chapters 1114 and 1115, and the requirements of Chapter 3, Subchapter NN of this title (relating to Consumer Notices for Life Insurance Policy and Annuity Contract Replacements);

(2) the prohibitions specified in [~~the~~] Insurance Code §§541.051 - 541.061;

(3) the provisions of Insurance Code Chapter 1702, concerning Regulation of Certain Trade Practices;

(4) [~~(3)~~] recognition of indicators that a prospective insured may lack the short-term memory or judgment to knowingly purchase an annuity; and

(5) [~~(4)~~] practices relating to annuities that are prohibited by [~~the~~] Penal Code Chapter 35.

(h) Course subjects for an annuity certification course outline may include additional topics addressing statutes enacted and rules adopted subsequent to the effective date of this section, provided that the statutes or rules relate specifically to annuities.

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 May 1, 2026.

TRD-202601869

Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

SUBCHAPTER R. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER A HEALTH BENEFIT PLAN OR HEALTH INSURANCE POLICY
DIVISION 1. UTILIZATION REVIEWS
28 TAC §§19.1702, 19.1705, 19.1706, 19.1709, 19.1710

STATUTORY AUTHORITY.

TDI proposes amendments to §§19.1702, 19.1705, 19.1706, 19.1709, and 19.1710 under Insurance Code §§1217.004, 4201.003, and 36.001.

Insurance Code §1217.004 authorizes the commissioner to adopt rules related to the use of a standard form for requesting prior authorization of health care services.

Insurance Code §4201.003 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Proposed amendments to §19.1702(b) and §19.1705(g) implement Insurance Code §1217.004(b), as added by SB 1216.

Proposed amendments to §19.1705(d) implement new Insurance Code §4201.156. Proposed amendments to §19.1709(c) conform to Insurance Code §4201.303. These amendments implement SB 815.

Proposed amendments to §19.1706(f) implement Insurance Code §4201.152 as amended by HB 3812.

§19.1702. Applicability.

(a) Limitations on applicability. Except as provided in Insurance Code Chapter 4201, concerning Utilization Review Agents, this subchapter applies to utilization review performed under a health benefit plan or a health insurance policy.

(1) This subchapter does not apply to utilization review performed under workers' compensation insurance coverage.

(2) This subchapter does not apply to a person who provides information to an enrollee; an individual acting on behalf of an enrollee; or an enrollee's physician, doctor, or other health care provider about scope of coverage or benefits, and does not determine the medical necessity, appropriateness, or the experimental or investigational nature of health care services.

(b) Applicability of other law. In addition to the requirements of this subchapter, provisions of Insurance Code Chapter 843, concerning Health Maintenance Organizations; Insurance Code Chapter 1217, concerning Standard Request Form for Prior Authorization of Health Care Services, Insurance Code Chapter 1222, concerning Preauthorization for Medical or Health Care Service; Insurance Code Chapter 1301, concerning Preferred Provider Benefit Plans; Insurance Code Chapter 1352, concerning Brain Injury; Insurance Code Chapter 1369, concerning Benefits Related to Prescription Drugs and Devices and Related Services; and Insurance Code Chapter 1451, Subchapter E, concerning Dental Care Benefits in Health Insurance Policies or Employee Benefit Plans, apply to this subchapter.

§19.1705. General Standards of Utilization Review.

(a) Review of utilization review plan. The utilization review plan must be reviewed and approved by a physician licensed to practice medicine in Texas and conducted under standards developed and periodically updated with input from both primary and specialty physicians, doctors, and other health care providers, as appropriate.

(b) Special circumstances.

(1) A utilization review determination must be made in a manner that takes into account special circumstances of the case that may require deviation from the norm stated in the screening criteria or relevant guidelines. Special circumstances include, but are not limited to, an individual who has a disability, acute condition, or life-threatening illness.

(2) If coverage is available for stage-four advanced, metastatic cancer and associated conditions, as defined by Insurance Code §1369.211, concerning Definitions, the URA cannot require, before coverage of a prescription drug, that the enrollee:

(A) fail to successfully respond to a different drug; or

(B) prove a history of failure of a different drug.

(3) Paragraph (2) of this subsection only applies to a drug the use of which is:

(A) consistent with best practices for the treatment of stage-four advanced, metastatic cancer or an associated condition, as defined by Insurance Code §1369.211;

(B) supported by peer-reviewed, evidence-based literature; and

(C) approved by the United States Food and Drug Administration.

(c) Screening criteria. Each URA must utilize written screening criteria that are evidence based, scientifically valid, outcome focused, and that comply with the requirements in Insurance Code §4201.153, concerning Screening Criteria and Review Procedures. The screening criteria must also recognize that if evidence-based medicine is not available for a particular health care service provided, the URA must utilize generally accepted standards of medical practice recognized in the medical community. The screening criteria must not be more restrictive than the coverage standards in Title 8, Subtitle E, of the Insurance Code, concerning Benefits Payable Under Health Coverages.

(d) Referral and determination of adverse determinations. Consistent with Insurance Code §4201.156, concerning Use of Automated Decision System for Adverse Determinations, adverse [~~Adverse~~] determinations must be referred to and may only be determined by an appropriate physician, doctor, or other health care provider with appropriate credentials under §19.1706 of this title (relating to Requirements and Prohibitions Relating to Personnel) to determine the medical necessity, the appropriateness, or the experimental or investigational nature of health care services.

(e) Delegation of review. A URA, including a specialty URA, may delegate the utilization review to qualified personnel in a hospital or other health care facility in which the health care services to be reviewed were, or are, to be provided. The delegation does not relieve

the URA of full responsibility for compliance with this subchapter and Insurance Code Chapter 4201, including the conduct of those to whom utilization review has been delegated.

(f) Complaint system. The URA must develop and implement procedures for the resolution of oral or written complaints initiated by enrollees, individuals acting on behalf of the enrollee, or health care providers concerning the utilization review. The URA must maintain records of complaints for three years from the date the complaints are filed. The complaints procedure must include a requirement for a written response to the complainant by the agent within 30 calendar days. The written response must include TDI's address, toll-free telephone number, and a statement explaining that a complainant is entitled to file a complaint with TDI.

(g) Electronic prior authorization. No later than January 1, 2027, an issuer must maintain an electronic prior authorization system that meets the national standards identified in 45 CFR §156.223, concerning Prior Authorization Requirements, and process prior authorization requests for health care services electronically, consistent with Insurance Code §1217.004, concerning Standard Form. For the purposes of this subsection, the term "health care services" has the meaning assigned by Insurance Code §1217.001, concerning Definitions.

§19.1706. Requirements and Prohibitions Relating to Personnel.

(a) Qualification requirements. Physicians, doctors, and other health care providers employed by or under contract with a URA to perform utilization review must be appropriately trained, qualified, and currently licensed consistent with Insurance Code Chapter 4201, concerning Utilization Review Agents. Personnel conducting utilization review must hold an unrestricted license, an administrative license, or be otherwise authorized to provide health care services by a licensing agency in the United States.

(1) This subchapter does not supersede requirements in the Medical Practice Act; Texas Medical Board rules; Texas Occupations Code Chapter 201, concerning Chiropractors [(~~relating to Chiropractors~~)]; or Texas Board of Chiropractic Examiners rules. Individuals licensed by the Texas Medical Board are subject to 22 TAC Chapter 180 (relating to Disciplinary Guidelines) [~~190, regarding disciplinary guidelines~~].

(2) Personnel who perform clerical or administrative tasks are not required to have the qualifications prescribed by this subsection.

(b) Disqualifying associations. For purposes of this subsection, being employed by or under contract with the same URA as the physician, doctor, or other health care provider who issued the initial adverse determination does not in itself constitute a disqualifying association. A physician, doctor, or health care provider who conducts utilization review must not have any disqualifying associations with the:

(1) enrollee or health care provider who is requesting the utilization review or an appeal; or

(2) physician, doctor, or other health care provider who issued the initial adverse determination.

(c) Information to be sent to TDI. The URA must send to TDI the name, type, license number, state of licensure, and qualifications of the personnel either employed or under contract to perform the utilization review with an original or renewal application.

(d) Written procedures and maintenance of records. URAs must develop and implement written procedures and maintain documentation to demonstrate that all physicians, doctors, and other health care providers used by the URA are licensed, qualified, and appropriately trained or experienced.

(e) Training related to acquired brain injury treatment. A URA must provide adequate training to personnel responsible for precertification, certification, and recertification of services or treatment relating to acquired brain injury in accord with Insurance Code §1352.004, concerning Training for Certain Personnel Required. The purpose of the training is to prevent denial of coverage in violation of Insurance Code §1352.003, concerning Required Coverages--Health Benefit Plans Other Than Small Employer Health Benefit Plans, and to avoid confusion of medical benefits with mental health benefits.

(f) Physician direction requirement. Utilization review conducted by a URA must be under the direction of a physician currently licensed without restriction to practice medicine in Texas, consistent with Insurance Code §4201.152, concerning Utilization Review Under Direction of Physician. The physician must be employed by or under contract with the URA.

§19.1709. Notice of Determinations Made in Utilization Review.

(a) Notice requirements. A URA must send written notification to the enrollee or an individual acting on behalf of the enrollee and the enrollee's provider of record, including the health care provider who rendered the service, of a determination made in a utilization review.

(b) Renewal of existing preauthorizations. If a health benefit plan issuer subject to Insurance Code Chapter 1222, concerning Preauthorization for Medical or Health Care Service, requires preauthorization as a condition of payment for a medical or health care service, the URA must provide a preauthorization renewal process that allows a physician or health care provider to request renewal of an existing preauthorization at least 60 days before the date the preauthorization expires.

(c) Required notice elements. In all instances of a prospective, concurrent, or retrospective utilization review adverse determination, written notification of the adverse determination by the URA must include:

(1) the principal reasons for the adverse determination;

(2) the clinical basis for the adverse determination;

(3) a description of and [~~or~~] the source of the screening criteria and review procedures that were utilized as guidelines in making the determination;

(4) the name or National Provider Identifier and the professional specialty of the physician, doctor, or other health care provider that made the adverse determination;

(5) a description of the procedure for the URA's complaint system as required by §19.1705 of this title (relating to General Standards of Utilization Review);

(6) a description of the URA's appeal process, as required by §19.1711 of this title (relating to Written Procedures for Appeal of Adverse Determination);

(7) a copy of the request for a review by an IRO form, available at www.tdi.texas.gov;

(8) notice of the independent review process with instructions that:

(A) request for a review by an IRO form must be completed by the enrollee, an individual acting on behalf of the enrollee, or the enrollee's provider of record and be returned to the insurance carrier or URA that made the adverse determination to begin the independent review process; and

(B) the release of medical information to the IRO, which is included as part of the independent review request for a

review by an IRO form, must be signed by the enrollee or the enrollee's legal guardian; and

(9) a description of the enrollee's right to an immediate review by an IRO and of the procedures to obtain that review for an enrollee who has a life-threatening condition or who is denied the provision of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy.

(d) Determination concerning an acquired brain injury. In addition to the notification required by this section, a URA must comply with this subsection in regard to a determination concerning an acquired brain injury as defined by §21.3102 of this title (relating to Definitions). Not later than three business days after the date an individual requests utilization review or requests an extension of coverage based on medical necessity or appropriateness, a URA must provide notification of the determination through a direct telephone contact to the individual making the request. This subsection does not apply to a determination made for coverage under a small employer health benefit plan.

(e) Prospective and concurrent review.

(1) Favorable determinations. The written notification of a favorable determination made in utilization review must be mailed or electronically transmitted as required by Insurance Code §4201.302, concerning General Time for Notice.

(2) Preauthorization numbers. A URA must ensure that preauthorization numbers assigned by the URA comply with the data and format requirements contained in the standards adopted by the U.S. Department of Health and Human Services in 45 CFR [~~C.F.R.~~] §162.1102 (relating to Standards for Health Care Claims or Equivalent Encounter Information Transaction), based on the type of service in the preauthorization request.

(3) Required timeframes [~~time frames~~]. Except as otherwise provided by the Insurance Code, the time frames for notification of the adverse determination begin from the date of the request and must comply with Insurance Code §4201.304, concerning Time for Notice of Adverse Determination. A URA must provide the notice to the provider of record or other health care provider not later than one hour after the time of the request when denying post-stabilization care subsequent to emergency treatment as requested by a provider of record or other health care provider. The URA must send written notification within three working days of the telephone or electronic transmission.

(4) Required timeframe [~~time frame~~] for preauthorization renewal requests. A URA must review a request to renew a preauthorization for a medical or health care service and make and issue a determination before the existing preauthorization expires, if practicable. The determination must indicate whether the medical or health care service is preauthorized.

(f) Retrospective review.

(1) The URA must develop and implement written procedures for providing the notice of adverse determination for retrospective utilization review, including the timeframes [~~time frames~~] for the notice of adverse determination, that comply with Insurance Code §4201.305, concerning Notice of Adverse Determination for Retrospective Utilization Review, and this section.

(2) When a retrospective review of the medical necessity, appropriateness, or the experimental or investigational nature of the health care services is made in relation to health coverage, the URA may not require the submission or review of a mental health therapist's process or progress notes that relate to the mental health therapist's treatment of an enrollee's mental or emotional condition or disorder. This prohibition extends to requiring an oral, electronic, facsimile, or written submission or rendition of a mental health therapist's process or progress notes. This prohibition does not preclude requiring submission of:

(A) an enrollee's mental health medical record summary; or

(B) medical records or process or progress notes that relate to treatment of conditions or disorders other than a mental or emotional condition or disorder.

§19.1710. Requirements Prior to Issuing an Adverse Determination.

(a) In any instance in which the URA is questioning the medical necessity, the appropriateness, or the experimental or investigational nature of the health care services, before issuing [~~prior to the issuance of~~] an adverse determination, the URA must afford the provider of record a reasonable opportunity to discuss the plan of treatment for the enrollee with a physician licensed to practice medicine in Texas. The discussion must include, at a minimum, the clinical basis for the URA's decision and a description of documentation or evidence, if any, that can be submitted by the provider of record that, on appeal, might lead to a different utilization review decision. If the health care service was ordered, requested, or provided, or is to be provided, by a physician, then the opportunity must be with a physician licensed to practice medicine in Texas and who has the same or similar specialty as the physician.

(1) The URA must provide the URA's telephone number so that the provider of record may contact the URA to discuss the pending adverse determination.

(2) The URA must maintain, and submit to TDI on request, documentation that details the discussion opportunity provided to the provider of record, including the date and time the URA offered the opportunity to discuss the adverse determination, the date and time that the discussion, if any, took place, and the discussion outcome.

(b) A URA must act in good faith to provide a reasonable opportunity as required by this section. However, if there are fewer than 12 hours available during normal business hours between the time a request is received and the time the determination must be issued, the URA must issue the determination within the required timeframe.

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 May 1, 2026.

TRD-202601870
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

DIVISION 2. PREAUTHORIZATION EXEMPTIONS

28 TAC §§19.1730 - 19.1734

STATUTORY AUTHORITY.

TDI proposes amendments to §§19.1730 - 19.1733, and new §19.1734 under Insurance Code §§4201.003, 4202.002, and 36.001.

Insurance Code §4201.003 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §4202.002 authorizes the commissioner to adopt standards and rules for independent review organizations.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Proposed amendments to §§19.1730 - 19.1733 and new §19.1734 implement Insurance Code Chapter 4201, Subchapter N, and HB 3812, 89th Legislature.

§19.1730. Definitions.

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

(1) Adverse determination regarding a preauthorization exemption--A decision by an issuer that one or more preauthorization requests or claims [~~retrospectively~~] reviewed as part of an evaluation [~~as defined in paragraph (4)(B)of this section,~~] with respect to a particular health care service [~~for which the physician or provider has a preauthorization exemption,~~] did not meet the issuer's screening criteria, which [~~and~~] leads to an issuer's decision to deny or rescind a preauthorization exemption. An adverse determination regarding a preauthorization exemption is not an adverse determination as defined under §19.1703 of this title (relating to Definitions).

(2) Affiliate--Has the meaning assigned by Insurance Code §4201.651, concerning Definitions.

(3) [~~(2)~~] Denial of preauthorization exemption--A determination that a physician or provider does not qualify for a preauthorization exemption based on the issuer conducting an evaluation, as defined in paragraph (5)(A) [~~(4)(A)~~] of this section, of eligible preauthorization requests and demonstrating that the physician or provider received approval for fewer than 90% of the eligible preauthorization requests made for a particular health care service during the most recent evaluation period.

(4) [~~(3)~~] Eligible preauthorization request--A preauthorization request for a particular health care service is eligible for the purposes of an evaluation under paragraph (5)(A) [~~(4)(A)~~] of this section if it is submitted by the physician or provider to the issuer or an affiliate of the issuer (regardless of whether the request was made in connection with a health insurance policy or health benefit plan that is subject to Insurance Code Chapter 4201, Subchapter N) and finalized by the health plan during the evaluation period, is not pending appeal, and has an outcome of either approving the particular health care service or issuing an adverse determination for the particular health care service. A preauthorization request that is modified with the acceptance of the physician or provider and approved by the plan as modified is an eligible preauthorization request for the purpose of conducting an evaluation under this section, with respect to the particular health care service that was approved. If a preauthorization request includes more than one particular health care service, the outcome for each service must be counted separately for the purposes of an evaluation.

(5) [~~(4)~~] Evaluation--

(A) with respect to a particular health care service for which a physician or provider does not have a preauthorization exemption but has at least five eligible preauthorization requests, a review of the outcomes of all eligible preauthorization requests submitted by the physician or provider to the issuer or an affiliate of the issuer during the most recent evaluation period to determine the percentage of requests that were approved, which is conducted for the purpose of evaluating whether to grant or deny a preauthorization exemption; or

(B) with respect to a particular health care service for which a physician or provider has a preauthorization exemption, a retrospective review of a random sample of payable claims submitted by or in connection with the physician or provider during the most recent evaluation period to determine the percentage of claims that would have been approved, based on meeting the issuer's applicable medical necessity criteria at the time the service was provided, which is conducted for the purpose of evaluating whether to continue or rescind a preauthorization exemption and consistent with Insurance Code §4201.655, concerning Denial or Rescission of Preauthorization Exemption.

(6) [~~(5)~~] Evaluation period--[~~The six-month period preceding an evaluation.~~] The evaluation periods are as follows:

(A) for a [~~an initial~~] determination of a preauthorization exemption grant or denial that is issued on or after September 1, 2025, the evaluation period is the 12-month [~~six-month~~] period determined by the issuer that ends not more than 12 months from the last day of the previous evaluation period, or the subsequent 12-month periods that follow [~~begins on January 1, 2022, or the subsequent six-month periods of July 1 - December 31 and January 1 - June 30 that follow each year~~];

(B) after a denial or rescission of a preauthorization exemption for a particular health care service, the subsequent 12-month [~~six-month~~] evaluation period begins on the first day following the end of the evaluation period that formed the basis of the denial or rescission; and

(C) for a notification of a preauthorization exemption rescission as provided in Insurance Code §4201.655(a), the evaluation period is the 12-month period determined by the issuer [~~six-month period an issuer determines or the subsequent six-month periods that follow, but there may not be more than two months between an evaluation period ending and the provision of notice under §19.1732 of this title (relating to Notice of Preauthorization Exemption Grants, Denials, or Rescissions)~~].

(7) [~~(6)~~] Issuer--A health maintenance organization or insurer that is subject to Insurance Code Chapter 4201, Subchapter N, including a URA or a person who contracts with an issuer to issue a preauthorization determination, or performs the functions described in this division.

(8) [~~(7)~~] Particular health care service--A health care service, including a prescription drug, that is subject to preauthorization as listed on the issuer's website under §19.1718(j) of this title (relating to Preauthorization for Health Maintenance Organizations and Preferred Provider Benefit Plans).

(9) [~~(8)~~] Physician--Has the meaning assigned by Insurance Code §843.002, concerning Definitions.

(10) [~~(9)~~] Preauthorization--Has the meaning assigned in Insurance Code §4201.651, concerning Definitions. "Preauthorization" under this division does not include concurrent utilization review.

(11) [~~(10)~~] Preauthorization exemption--A privilege obtained under this division in which a physician or provider is not subject to a preauthorization requirement that otherwise applies with respect to a particular health care service. The preauthorization exemption applies both to care rendered by a treating physician or provider and to care ordered by a physician or provider who is acting in his or her capacity as a treating physician or provider.

(12) [~~(11)~~] Provider--Has the meaning assigned by Insurance Code §843.002.

(13) [~~(12)~~] Random sample--A collection of at least five but no more than 20 claims for a particular health care service, selected without method or conscious decision, for the purpose of evaluating a physician's or provider's continued eligibility for a preauthorization exemption.

(14) [~~(13)~~] Rescission of preauthorization exemption--An adverse determination regarding a preauthorization exemption based on an evaluation, as defined in paragraph (5)(B) [~~(4)(B)~~] of this section and consistent with Insurance Code §4201.655(b), in which the issuer would have fully approved fewer than 90% of claims for a particular health care service.

(15) [~~(14)~~] Treating physician or provider--The physician or other provider who is primarily responsible for a patient's health and medical care. A "treating physician or provider" can include a rendering physician or provider or a referring or ordering physician or provider.

§19.1731. Preauthorization Exemption.

(a) For the purposes of this division, a physician or provider should be identified using the National Provider Identifier (NPI) under which a physician or provider makes preauthorization requests.

(b) With respect to a particular health care service for which a physician or provider does not have a preauthorization exemption, an issuer must conduct an evaluation of all eligible preauthorization requests submitted by the physician or provider to the issuer or an affiliate of the issuer during the most recent evaluation period [~~that were finalized prior to the evaluation and may not include a request that is pending appeal at the time the data is analyzed~~]. The evaluation must be based on no fewer than five eligible preauthorization requests.

(c) With respect to a particular health care service for which a physician or provider has a preauthorization exemption, an issuer may conduct an evaluation, as defined in §19.1730(5)(B) [~~§19.1730(4)(B)~~] of this title (relating to Definitions), to determine whether to rescind a preauthorization exemption consistent with Insurance Code §4201.655, concerning Denial or Rescission of Preauthorization Exemption. In order to determine whether to rescind an exemption, the issuer must conduct a retrospective review of a random sample of [~~at least five and no more than 20~~] claims submitted during the most recent evaluation period. If there are five or more claims, the issuer must review at least five and no more than 20 claims. If there are fewer than five claims, the issuer must review all the claims submitted by the physician or provider during the most recent evaluation period.

(d) Other than care ordered by a treating physician or provider that has a preauthorization exemption that is then rendered by a physician or provider that does not have an exemption, a treating physician or provider may not rely on another physician's or provider's preauthorization exemption. If a treating physician or provider does not have a preauthorization exemption and relies on another physician's or provider's preauthorization exemption in violation of this subsection, an issuer may consider the physician or provider who has qualified for the preauthorization exemption as failing to substantially perform the health care service under Insurance Code §4201.659, concerning Effect of Preauthorization Exemption, and may reduce or deny payment for that service on that basis. It is not a violation of this subsection for a provider, such as a nurse or physician's assistant, who practices under the supervision of a physician, to rely on the supervising physician's exemption, if the provider appropriately orders care and requests preauthorization under the supervising physician's NPI.

(e) For care ordered by a treating physician or provider that has a preauthorization exemption that is then rendered by a physician or provider that does not have an exemption, the treating physician or provider must include the name and NPI of the ordering physician or provider on the claim in fields 17 and 17B of CMS Form 1500, in fields 76 - 79 or another appropriate field in Form UB-04, or in the corresponding fields for electronic claims using the ASC X12N 837 format. The issuer may provide coding guidance to physicians and providers to ensure that this information is appropriately captured on the claim. If this information is not included, the issuer may treat the claim as subject to an otherwise applicable preauthorization requirement.

§19.1732. Notice of Preauthorization Exemption Grants, Denials, or Rescissions.

(a) When granting a preauthorization exemption, an issuer must provide notice to the physician or provider, consistent with Insurance Code §4201.659(d), concerning Effect of Preauthorization Exemption. The notice must include a plain language explanation of the effect of the preauthorization exemption and any claim coding guidance needed to document the preauthorization exemption, consistent with §19.1731(e) of this title (relating to Preauthorization Exemption). The exemption begins on the date the notice is issued [~~and must be in place for at least six months before it may be rescinded~~]. If an issuer subsequently receives a preauthorization request from the physician or provider for a particular health care service for which an exemption has been granted, the issuer must provide a notice consistent with Insurance Code §4201.659(e).

(b) When rescinding or denying a preauthorization exemption, an issuer must provide a notice to the physician or provider that complies with this section and allows the physician or provider to appeal the rescission or denial to an IRO. Example forms LHL011 for rescissions and LHL012 for denials are available on TDI's website at www.tdi.texas.gov/forms. [~~demonstrates that the physician or provider does not meet the criteria for a preauthorization exemption, consistent with Insurance Code §4201.655(e)(2), concerning Denial or Rescission of Preauthorization Exemption; a description of how to appeal the denial using the issuer's complaints and appeals processes; and information on how to file a complaint with the department.~~]

(c) After completing an evaluation as defined under §19.1730(5)(A) [~~§19.1730(4)(A)~~] of this title (relating to Definitions), an issuer must provide a notice granting or denying a preauthorization exemption within five days. For any evaluation period [~~the initial evaluation period of January 1 through June 30, 2022, an issuer must provide notice granting or denying a preauthorization exemption no later than October 1, 2022. For subsequent evaluation periods~~] during which a physician or provider does not have a preauthorization exemption, an issuer must provide notice to the physician or provider granting or denying a preauthorization exemption no later than two months following the day after the end of the evaluation period. Notice need only be provided for a particular health care service if the issuer was able to complete an evaluation of at least five eligible preauthorization requests, as provided in §19.1731(b) of this title.

(d) When rescinding a preauthorization exemption, an issuer must provide notice to the physician or provider, consistent with Insurance Code §4201.655(a)(3), concerning Denial or Rescission of Preauthorization Exemption. Notice of the rescission must be provided during the months specified in Insurance Code §4201.655(a)(1). The notice must be provided no later than three months following the day after the end of the evaluation period. The notice must include the following [~~(a sample form LHL011 is available on TDI's website)~~]:

(1) an identification of the health care service for which a preauthorization exemption is being rescinded, the date the notice is issued, and the date the rescission is effective, consistent with Insurance Code §4201.654, concerning Duration of Preauthorization Exemption;

(2) a plain language explanation of how the physician or provider may appeal and seek an independent review of the determi-

nation, [~~the date the notice is issued,~~] and the company's address and contact information for returning the form by mail or electronic means to request an appeal;

(3) a statement of the total number of payable claims submitted by or in connection with the physician or provider during the most recent evaluation period that were eligible to be evaluated with respect to the health care service subject to rescission, the number of claims included in the random sample, and the sample information used to make the determination, including:

(A) identification of each claim included in the random sample;

(B) the issuer's determination of whether each claim met the issuer's screening criteria; and

(C) for any claim determined [~~to~~] not to have met the issuer's screening criteria:

(i) the principal reasons for the determination that the claim did not meet the issuer's screening criteria, including, if applicable, a statement that the determination was based on a failure to submit specified medical records;

(ii) the clinical basis for the determination that the claim did not meet the issuer's screening criteria;

(iii) a description of the sources of the screening criteria that were used as guidelines in making the determination; and

(iv) the professional specialty of the physician, doctor, or other health care provider who made the determination;

(4) a space to be filled out by the physician or provider that includes:

(A) the name, address, contact information, and identification number of the physician or provider requesting an independent review;

(B) an indication of whether the physician or provider is requesting that the independent review organization review the same random sample or a different random sample of claims, if available; and

(C) the date the appeal is being requested; and

(5) an instruction for the physician or provider to return the form to the issuer before the date the rescission becomes effective and to include applicable medical records for any determination that was based on a failure to provide medical records.

(e) When denying a preauthorization exemption, an issuer must provide notice to the physician or provider that demonstrates that the physician or provider does not meet the criteria for a preauthorization exemption, consistent with Insurance Code §4201.655(c)(2), concerning Denial or Rescission of Preauthorization. The notice must include:

(1) an identification of the health care service for which a preauthorization exemption is being denied, the date the notice is issued, the date of the evaluation period that led to the denial, and the date of the subsequent evaluation period under which an exemption will next be considered;

(2) a plain language explanation of how the physician or provider may appeal and seek an independent review of the determination, and the company's address and contact information for returning the form by mail or electronic means to request an appeal;

(3) a statement of the total number of eligible preauthorization requests for the health care service that were submitted to the issuer and the issuer's affiliates by or in connection with the physician or provider during the most recent evaluation period, the percent of eligible preauthorization requests that were approved, and information about the preauthorization requests included in the evaluation that were adversely determined, including:

(A) identification of each preauthorization request included in the evaluation that was adversely determined;

(B) identification of whether each preauthorization request included in the evaluation was appealed to the utilization review agent or to an external or independent review organization and the result of those appeals; and

(C) the date of issuance of each adverse determination notice, including notice in connection with an adverse determination that is upheld on appeal;

(4) instructions on how to electronically access a copy of the adverse determination notice that was issued;

(5) a space to be filled out by the physician or provider that includes:

(A) the name, address, contact information, and identification number of the physician or provider requesting an independent review;

(B) a listing of the adverse determinations for which the physician or provider is requesting an independent review; and

(C) the date the appeal is being requested; and

(6) an instruction for the physician or provider to return the form to the issuer and to include applicable medical records for any determination that was based on a failure to provide medical records.

(f) [~~(e)~~] An issuer must allow physicians and providers to designate an email address or a mailing address for communications regarding preauthorization exemptions, denials, and rescissions. An issuer must provide an option for physicians and providers to submit a request for appeal by mail or by email or other electronic method. Issuers must include an explanation of how the physician or provider may update their preferred contact information and delivery method on all communications issued under this section and on the website required under §19.1718(j) of this title (relating to Preauthorization for Health Maintenance Organizations and Preferred Provider Benefit Plans).

§19.1733. Utilization [~~Retrospective~~] Reviews and Appeals of Preauthorization Exemption Denials and Rescissions.

(a) For a retrospective review that is conducted under Insurance Code §4201.659(b)(1), concerning Effect of Preauthorization Exemption, to determine whether the physician or provider still qualifies for an exemption, Insurance Code §4201.305, concerning Notice of Adverse Determination for Retrospective Utilization Review, does not apply.

(b) An issuer that is conducting an evaluation as defined in §19.1730(5)(B) [~~§19.1730(4)(B)~~] of this title (relating to Definitions) to determine whether a physician or provider still qualifies for a preauthorization exemption may request medical records or other documents, consistent with §19.1707 of this title (relating to URA Contact with and Receipt of Information from Health Care Providers), and must provide at least 30 days for a physician or provider to provide the records. Medical records requested in connection with a retrospective review of a random sample of claims as authorized under Insurance Code §4201.659(b)(1) should be limited to no more than 20 claims for a particular health care service and may be requested

only during an evaluation period or within 90 days following the end of an evaluation period. If the physician or provider fails to provide the records necessary for the issuer to make a determination, the issuer may determine that the claim would not have met the screening criteria.

(c) After receiving a notice of a rescission or denial, a physician or provider may request an independent review of the adverse determination regarding a preauthorization exemption [~~at any time before the rescission becomes effective~~]. For a denial, the request must be submitted no later than 30 days after the date listed on the denial notice. For a rescission, the request must be submitted before the rescission becomes effective. The date of the request must be documented on the form, and the form must be sent electronically or postmarked before the date the rescission becomes effective.

(d) In order to request an independent review of an adverse determination regarding [~~a rescission of~~] a preauthorization exemption, a physician or provider must submit the form provided by the issuer under §19.1732 [~~§19.1732(e)~~] of this title (relating to Notice of Preauthorization Exemption Grants, Denials, or Rescissions). A preauthorization request that was adversely determined and previously upheld by an external or independent review organization is not eligible for a subsequent independent review. If one or more determinations subject to review were based on a failure to provide specified medical records, the physician or provider must include the applicable records with the request for an independent review. Upon receipt, if the issuer seeks to proceed with the proposed rescission or denial, the issuer must submit the request for independent review to the department, consistent with §12.601 of this title (relating to Preauthorization Exemptions), and §19.1717(c) of this title (relating to Independent Review of Adverse Determinations), and provide information to the IRO consistent with Insurance Code §4201.402, concerning Information Provided to Independent Review Organization.

(e) If the notice of rescission of preauthorization exemption identified that at least five additional claims were eligible for review but not included in the original random sample, the physician or provider may request review of another random sample of claims, as authorized under Insurance Code §4201.656(d). If this request is made, the issuer must, when submitting the request for independent review to the department, provide a listing of all payable claims for the same health care service submitted by or in connection with the physician or provider during the most recent evaluation period that were eligible to be evaluated but that were not included in the original random sample. The listing must be sufficiently detailed to allow the IRO to identify each payable claim to be used in an additional random sample, as provided by §12.601(e) of this title.

(f) If the notice of denial of preauthorization exemption identified five or fewer adverse determinations that contributed to the denial of the preauthorization exemption, the IRO will review each adverse determination. Consistent with §12.601(f) of this title, if the notice of denial of preauthorization exemption identified more than five adverse determinations that contributed to the denial of the preauthorization exemption, the IRO may select a random sample of at least five and no more than 20 adverse determinations to review. If the IRO determines that one or more adverse determinations would have been overturned, the IRO will calculate an adjusted approval rate. An IRO's determination that one or more adverse determinations reviewed in connection with a preauthorization exemption denial would have been overturned does not impact the status of the original preauthorization request.

(g) [~~(f)~~] An issuer must communicate the determination of a review by an independent review organization under §12.601 of this title to the physician or provider within five days.

(h) [~~(g)~~] In order to retain a preauthorization exemption, a physician or provider must continue to maintain medical records adequate to demonstrate that health care services meet medical guidelines. In the absence of adequate records during an evaluation or appeal, an exemption may be rescinded.

§19.1734. Report.

(a) Not later than March 1 of each year, an issuer must submit a report to TDI concerning preauthorization exemptions for the previous calendar year. The report must be submitted electronically as specified on TDI's webpage.

(b) The report must include:

(1) identifying information for the issuer, including the issuer's name and National Association of Insurance Commissioners (NAIC) number, and the contact information of the person responsible for submitting the report;

(2) the name and NAIC number of each affiliate of the issuer;

(3) the number of prior authorization requests submitted during the previous calendar year to the issuer and each affiliate under each line of business in which the issuer or its affiliate offers health coverage that includes a preauthorization requirement, including:

(A) insurance products subject to Insurance Code Chapter 4201, Subchapter N, concerning Exemption from Preauthorization Requirements for Physicians and Providers Providing Certain Health Care Services, as follows:

(i) major medical coverage; and

(ii) vision coverage;

(B) HMO products subject to Insurance Code Chapter 4201, Subchapter N, as follows:

(i) major medical coverage;

(ii) vision coverage; and

(iii) dental coverage;

(C) insurance and HMO products not subject to Insurance Code Chapter 4201, Subchapter N, as follows:

(i) major medical coverage;

(ii) vision coverage; and

(iii) dental coverage;

(D) Medicaid managed care;

(E) the Children's Health Insurance Program (CHIP);

(F) Medicare Advantage; and

(G) administrative services only, in connection with the following:

(i) major medical coverage;

(ii) vision coverage; and

(iii) dental coverage;

(4) the number of particular health care services for which the issuer requires preauthorization;

(5) the number of physicians and providers included in the issuer's network on the last day of the previous calendar year;

(6) the number of in-network physicians and providers that had at least one preauthorization exemption on the last day of the previous calendar year; and

(7) data concerning preauthorization exemptions for each particular health care service, including:

(A) the number of evaluations conducted during the previous calendar year for physicians or providers without a preauthorization exemption and the number of exemptions newly granted or denied;

(B) the number of preauthorization exemptions granted prior to the previous calendar year, the number of evaluations of those exemptions, and the number of exemptions rescinded; and

(C) the number of appeals requested, identifying whether the appeal was for a denial or rescission of a preauthorization exemption and whether the denial or rescission was upheld or overturned on appeal.

(c) A report submitted under this section is public information subject to disclosure under Government Code Chapter 552, concerning Public Information.

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 May 1, 2026.

TRD-202601871
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

SUBCHAPTER S. FORMS TO REQUEST PRIOR AUTHORIZATION

DIVISION 1. TEXAS STANDARD PRIOR AUTHORIZATION REQUEST FORMS

28 TAC §19.1801, §19.1803

STATUTORY AUTHORITY.

TDI proposes amendments to §19.1801 and §19.1803 under Insurance Code §§1217.004, 1369.304, and 36.001.

Insurance Code §1217.004 authorizes the commissioner to adopt rules related to the use of a standard form for requesting prior authorization of health care services.

Insurance Code §1369.304 authorizes the commissioner to adopt rules related to the use of a standard form for requesting prior authorization of prescription drug benefits.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Proposed amendments to §19.1801 and §19.1803 implement SB 1296 and HB 4611.

§19.1801. Applicability.

[~~(a)~~] Applicable health benefit plans. This subchapter applies only to a health benefit plan that is subject to Insurance Code Chapter 1217, concerning Standard Request Form for Prior Authorization of Health Care Services, or Insurance Code Chapter 1369, Subchapter G, concerning Standard Request Form for Prior Authorization of Prescription Drug Benefits. [~~that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:~~]

[~~(1) an insurance company;~~]

[~~(2) a group hospital service corporation operating under Chapter 842;~~]

[~~(3) a fraternal benefit society operating under Chapter 885;~~]

[~~(4) a stipulated premium company operating under Chapter 884;~~]

[~~(5) a reciprocal exchange operating under Chapter 942;~~]

[~~(6) a health maintenance organization operating under Chapter 843;~~]

[~~(7) a multiple employer welfare arrangement holding a certificate of authority under Chapter 846; or~~]

[~~(8) an approved nonprofit health corporation holding a certificate of authority under Chapter 844.~~]

[~~(b) Other applicable coverages and programs.~~]

[~~(1) This subchapter applies to group health coverage made available by a school district under Education Code §22.004.~~]

[~~(2) This subchapter applies to:~~]

[~~(A) a basic coverage plan under Chapter 1551;~~]

[~~(B) a basic plan under Chapter 1575;~~]

[~~(C) a primary care coverage plan under Chapter 1579; and~~]

[~~(D) basic coverage under Chapter 1601.~~]

[~~(3) This subchapter applies to coverage under the child health program under Health and Safety Code Chapter 62 or the health benefits plan for children under Health and Safety Code Chapter 63.~~]

[~~(4) This subchapter applies to a Medicaid managed care program operated under Government Code Chapter 533 or a Medicaid program operated under Human Resources Code Chapter 32.~~]

§19.1803. Definitions.

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

(1) CDT--Current Dental Terminology code set maintained by the American Dental Association.

(2) CPT--Current Procedural Terminology code set maintained by the American Medical Association.

(3) Department or TDI--Texas Department of Insurance.

(4) Form--In Division 2 of this subchapter, the Texas Standard Prior Authorization Request Form for Health Care Services. In Division 3 of this subchapter, the Texas Standard Prior Authorization Request Form for Prescription Drug Benefits.

(5) HCPCS--Healthcare Common Procedure Coding System.

(6) Health benefit plan--

(A) a plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document offered by a health benefit plan issuer.

(B) Health benefit plan also includes:

(i) group health coverage made available by a school district in accord with Education Code §22.004, concerning Group Health Benefits for School Employees;

(ii) coverage under the child health program in Health and Safety Code Chapter 62, concerning Child Health Plan for Certain Low-Income Children, or the health benefits plan for children in Health and Safety Code Chapter 63, concerning Health Benefits Plan for Certain Children;

(iii) a Medicaid managed care program operated under Government Code Chapter 540, concerning Medicaid Managed Care Program [~~533~~], or a Medicaid program operated under Human Resources Code Chapter 32, concerning Medical Assistance Program;

(iv) a basic coverage plan under Insurance Code Chapter 1551, concerning Texas Employees Group Benefits Act;

(v) a basic plan under Insurance Code Chapter 1575, concerning Texas Public School Employees Group Benefits Program;

(vi) a primary care coverage plan under Insurance Code Chapter 1579, concerning Texas School Employees Uniform Group Health Coverage; and

(vii) basic coverage under Insurance Code Chapter 1601, concerning Uniform Insurance Benefits Act for Employees of the University of Texas System and the Texas A&M University System.

(7) Health benefit plan issuer--An entity authorized under the Insurance Code or another insurance law of this state that delivers or issues for delivery a health benefit plan or other coverage described in Insurance Code §1217.002, concerning Applicability of Chapter, or Insurance Code §1369.302, concerning Applicability of Subchapter. [~~§1369.252.~~]

(8) Health care service--A service to diagnose, prevent, alleviate, cure, or heal a human illness or injury that is provided by a physician or other health care provider. The term includes medical or health care treatments, consultations, procedures, drugs, supplies, imaging and diagnostic services, inpatient and outpatient care, medical devices other than those included in the definition of prescription drugs in Occupations Code §551.003, concerning Definitions, and durable medical equipment. The term does not include prescription drugs or devices as defined by Occupations Code §551.003.

(9) ICD--International Classification of Diseases.

(10) Issuer--A health benefit plan issuer and the agent of a health benefit plan issuer that manages or administers the issuer's health care services or prescription drug benefits.

(11) NDC--National Drug Code.

(12) NPI number--A provider's or facility's National Provider Identifier.

(13) Prescription drug--Has the meaning assigned by Occupations Code §551.003.

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 May 1, 2026.

TRD-202601904
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

SUBCHAPTER U. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER WORKERS' COMPENSATION INSURANCE COVERAGE

28 TAC §§19.2005, 19.2006, 19.2009, 19.2010

STATUTORY AUTHORITY.

TDI proposes amendments to §§19.2005, 19.2006, 19.2009, and 19.2010 under Insurance Code §4201.003 and §36.001.

Insurance Code §4201.003 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Proposed amendments to §19.2005(d) implement new Insurance Code §4201.156. Proposed amendments to §19.2009(b) conform to Insurance Code §4201.303. These amendments implement SB 815.

Proposed amendments to §19.2006(e) implement Insurance Code §4201.152 as amended by HB 3812.

§19.2005. General Standards of Utilization Review.

(a) Review of utilization review plan. A utilization review plan must be reviewed and approved by a physician and conducted under standards developed and periodically updated with input from both primary and specialty physicians, doctors, and other health care providers, including practicing health care providers, as appropriate.

(b) Special circumstances. A utilization review determination must be made in a manner that takes special circumstances of the case into account that may require deviation from the norm stated in the screening criteria or relevant guidelines. Special circumstances include, but are not limited to, an individual who has a disability, acute condition, or life-threatening illness. For the purposes of this section, disability must not be construed to mean an injured employee who is off work or receiving income benefits.

(c) Screening criteria. Each URA must utilize written screening criteria that are evidence-based, scientifically valid, outcome-focused, and that comply with the requirements in Insurance Code §4201.153, concerning Screening Criteria and Review Procedures. The screening criteria must also recognize that if evidence-based medicine is not available for a particular health care service provided, the URA must utilize generally accepted standards of medical practice recognized in the medical community. For workers' compensation

network coverage, screening criteria must comply with Insurance Code Chapter 1305, concerning Workers' Compensation Health Care Networks, and §10.101 of this title (relating to General Standards for Utilization Review and Retrospective Review); for workers' compensation non-network coverage and workers' compensation health plan, screening criteria must comply with Labor Code §§401.011, concerning General Definitions; 413.011, concerning Reimbursement Policies and Guidelines; Treatment Guidelines and Protocols; and 413.014, concerning Preauthorization Requirements; Concurrent Review and Certification of Health Care; and Chapters 133, 134, and 137 of this title (relating to General Medical Provisions; Benefits-Guidelines for Medical Services, Charges, and Payments; and Disability Management, respectively).

(d) Referral and determination of adverse determinations. Consistent with Insurance Code §4201.156, concerning Use of Automated Decision System for Adverse Determinations, adverse [~~Adverse~~] determinations must be referred to and may only be determined by a physician, doctor, or other health care provider with appropriate credentials under Chapter 180 of this title (relating to Monitoring and Enforcement) and §19.2006 of this title (relating to Requirements and Prohibitions Relating to Personnel). Physicians and doctors performing utilization review must also comply with Labor Code §§408.0043, concerning Professional Specialty Certification Required for Certain Review, 408.0044, concerning Review of Dental Services, and 408.0045, concerning Review of Chiropractic Services.

(e) Delegation of review. A URA, including a specialty URA, may delegate the utilization review to qualified personnel in a hospital or other health care facility in which the health care services to be reviewed were, or are, to be provided. The delegation does not relieve the URA of full responsibility for compliance with this subchapter, Insurance Code Chapter 4201, concerning Utilization Review Agents, the Texas Workers' Compensation Act, and applicable TDI-DWC rules, including responsibility for the conduct of those to whom utilization review has been delegated.

(f) Complaint system. The URA must develop and implement procedures for the resolution of oral or written complaints initiated by injured employees, their representatives, or health care providers concerning the utilization review. The URA must maintain records of complaints for three years from the date the complaints are filed. The complaints procedure must include a requirement for a written response to the complainant by the agent within 30 calendar days. The written response must include TDI's address, toll-free telephone number, and a statement explaining that a complainant is entitled to file a complaint with TDI.

(g) Compliance with Labor Code §504.055. Utilization review plan written policies must evidence compliance with Labor Code §504.055, concerning Expedited Provision of Medical Benefits for Certain Injuries Sustained by First Responder in Course and Scope of Employment.

§19.2006. Requirements and Prohibitions Relating to Personnel.

(a) Qualification requirements. Physicians, doctors, and other health care providers employed by or under contract with a URA to perform utilization review must be appropriately trained, qualified, and currently licensed consistent with Insurance Code Chapter 4201, concerning Utilization Review Agents. Personnel conducting utilization review must hold an unrestricted license or an administrative license in Texas or be otherwise authorized to provide health care services in Texas. Physicians and doctors conducting utilization review must hold a professional certification in a health care specialty appropriate to the type of health care the injured employee is receiving as required by Labor Code §§408.0043, concerning Professional Specialty Certification, 408.0044, concerning Review of Dental Services, and 408.0045, concerning Review of Chiropractic Services. Physicians, doctors, and other health care providers conducting utilization review must have the appropriate credentials as required by Chapter 180 of this title (relating to Monitoring and Enforcement).

(1) This subchapter does not supersede requirements in the Medical Practice Act, Texas Medical Board rules, Texas Occupations Code Chapter 201, concerning Chiropractors [~~(relating to Chiropractors)~~], or Texas Board of Chiropractic Examiners rules. Individuals licensed by the Texas Medical Board are subject to 22 TAC Chapter 180 (relating to Disciplinary Guidelines) [~~190, regarding disciplinary guidelines~~].

(2) Personnel who perform clerical or administrative tasks are not required to have the qualifications prescribed by this subsection.

(b) Disqualifying associations. For purposes of this subsection, being employed by or under contract with the same URA as the physician, doctor, or other health care provider who issued the initial adverse determination does not in itself constitute a disqualifying association. A physician, doctor, or other health care provider who conducts utilization review must not have any disqualifying associations with the:

(1) injured employee or health care provider who is requesting utilization review or an appeal; or

(2) physician, doctor, or other health care provider who issued the initial adverse determination.

(c) Information a URA must send to TDI. A URA must send to TDI the name, type, Texas license number, and qualifications of the personnel either employed or under contract to perform utilization review with an original or renewal application.

(d) Written procedures and maintenance of records. A URA must develop and implement written procedures, and maintain documentation, to demonstrate that all physicians, doctors, and other health care providers used by the URA are licensed, qualified, and appropriately trained or experienced.

(e) Physician direction requirement. Utilization review conducted by a URA must be under the direction of a physician currently licensed without restriction to practice medicine in Texas, consistent with Insurance Code §4201.152, concerning Utilization Review Under Direction of Physician. The physician must be employed by or under contract with the URA.

§19.2009. Notice of Determinations Made in Utilization Review.

(a) Notice requirements of favorable or adverse determinations.

(1) A URA must send written notification of a determination made in utilization review to the individuals specified in and within the timeframes required for utilization review.

(2) For prospective and concurrent review, the timeframes are specified by:

(A) Section 134.600 of this title (relating to Preauthorization, Concurrent Review, and Voluntary Certification of Health Care) for workers' compensation non-network coverage; and

(B) Insurance Code §1305.353, concerning Notice of Certain Utilization Review Determinations; Preauthorization Requirements; and §10.102 of this title (relating to Notice of Certain Utilization Review Determinations; Preauthorization and Retrospective Review Requirements) for workers' compensation network coverage.

(3) For retrospective review, the timeframes are specified by:

(A) Sections 133.240 and 133.250 of this title (relating to Medical Payment and Denials, and Reconsideration for Payment of Medical Bills, respectively) for workers' compensation non-network coverage;

(B) Sections 133.240, 133.250, and 10.102 of this title, for workers' compensation network coverage.

(4) For workers' compensation non-network coverage and network coverage, a URA must ensure that preauthorization numbers assigned by the URA comply with the data and format requirements contained in the standards adopted by the U.S. Department of Health and Human Services in 45 CFR [~~Code of Federal Regulations~~] §162.1102 (relating to Standards for Health Care Claims or Equivalent Encounter Information Transaction) based on the type of service in the preauthorization request.

(b) Required notice elements. In all instances of a prospective, concurrent, or retrospective utilization review adverse determination, written notification of the adverse determination by the URA must include:

(1) the principal reasons for the adverse determination;

(2) the clinical basis for the adverse determination;

(3) a description of the procedure for filing a complaint with TDI;

(4) the professional specialty and Texas license number of the physician, doctor, or other health care provider that made the adverse determination;

(5) a description of the procedure for the URA's complaint system as required by §19.2005 of this title (relating to General Standards of Utilization Review);

(6) a description of the URA's appeal process, as required by §19.2011 of this title (relating to Written Procedures for Appeal of Adverse Determination) and a statement that in a circumstance involving an injured employee's life-threatening condition, the injured employee is entitled to an immediate review of the adverse determination by an IRO and is not required to comply with procedures for an internal review of the adverse determination by the URA for prospective and concurrent utilization review;

(7) for workers' compensation network coverage, a description of and [~~or~~] the source of the screening criteria and review procedures used in making the determination, including a description of treatment guidelines used, as applicable;

(8) for workers' compensation non-network coverage, a description of and the source of the treatment guidelines and review procedures used under Chapter 137 of this title (relating to Disability Management) or Labor Code §504.054(b), concerning Contested Case Hearing on and Judicial Review of Independent Review, in making a determination; and

(9) notice of the independent review process. The notice of the independent review process required under this paragraph must include:

(A) a statement that:

(i) the request for a review by an IRO form must be completed by the injured employee, the injured employee's representative, or the injured employee's provider of record and be returned to the insurance carrier or URA that made the adverse determination to begin the independent review process;

(ii) a request for independent review of an adverse determination made under workers' compensation non-network coverage must be timely filed by the requestor consistent with §133.308 of this title (relating to MDR of Medical Necessity Disputes); and

(iii) a request for independent review of an adverse determination made under workers' compensation network coverage must be timely filed by the requestor consistent with §10.104 of this title (relating to Independent Review of Adverse Determination); and

(B) either of the following:

(i) a copy of the request for a review by an IRO form, available at www.tdi.texas.gov/forms; or

(ii) notice in at least 12 point font that the injured employee can obtain a copy of the request for a review by an IRO form by:

(I) accessing TDI's website at www.tdi.texas.gov/forms; or

(II) calling {insert URA's telephone number} to request a copy of the form, at which time the URA will send a copy of the request for a review by an IRO form to the injured employee.

(c) Peer review reports. The notice of determination made in utilization review required under this section and the peer review report required by §180.28 of this title (relating to Peer Review Requirements, Reporting, and Sanctions) may be combined into one document if all the requirements of both sections are met.

§19.2010. Requirements Prior to Issuing Adverse Determination.

(a) In any instance in which a URA is questioning the medical necessity or appropriateness of the health care services, before issuing [~~prior to issuance of~~] an adverse determination, the URA must afford the provider of record a reasonable opportunity to discuss the plan of treatment for the injured employee with a physician, dentist, or chiropractor. If the health care services in question are dental services, then a dentist may conduct the discussion if the services in question are within the scope of the dentist's license to practice dentistry. If the health care services in question are chiropractic services, then a chiropractor may conduct the discussion if the services in question are within the scope of the chiropractor's license to practice chiropractic. The discussion must include, at a minimum, the clinical basis for the URA's decision and a description of documentation or evidence, if any, that can be submitted by the provider of record that, on appeal, might lead to a different utilization review decision.

(1) The URA must provide the URA's telephone number so the provider of record may contact the URA to discuss the pending adverse determination.

(2) The URA must maintain, and submit to TDI or TDI-DWC on request, documentation that details the discussion opportunity provided to the provider of record, including the date and time the URA offered the opportunity to discuss the adverse determination, the date and time that the discussion, if any, took place, and the discussion outcome.

(b) A URA must act in good faith to provide a reasonable opportunity as required by this section. However, if there are fewer than 12 hours available during normal business hours between the time a request is received and the time the determination must be issued, the URA must issue the determination within the required timeframe.

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 May 1, 2026.

TRD-202601872
Jessica Barta
General Counsel
Texas Department of Insurance
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 676-6555

♦ ♦ ♦

TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 210. USE OF RECLAIMED WATER SUBCHAPTER E. SPECIAL REQUIREMENTS FOR USE OF INDUSTRIAL RECLAIMED WATER

30 TAC §210.54

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §210.54.

Background and Summary of the Factual Basis for the Proposed Rules

TCEQ is proposing to amend 30 Texas Administrative Code (TAC) Chapter 210 (Use of Reclaimed Water), Subchapter E (Special Requirements for Use of Industrial Reclaimed Water) to implement Senate Bill (SB) 1145, 89th Regular Texas Legislative Session, which amended Texas Water Code (TWC), §26.131 (Duties of the Railroad Commission), to transfer permitting authority for the land application of produced water that is treated for beneficial use from the Railroad Commission of Texas (RRC) to TCEQ for permit applications filed on or after September 1, 2025.

The rulemaking proposes to amend §210.54 to add produced water regulated under 40 Code of Federal Regulations (CFR) Parts 435 and 437 to the list of process wastewater exceptions that may be authorized for reuse under the subchapter.

As part of this rulemaking, the commission is also proposing amendments to 30 TAC Chapter 309 (Domestic Wastewater Effluent Limitations and Plant Siting) concurrently in this issue of the *Texas Register*.

Section by Section Discussion

Proposed amended §210.54, *Wastes Not Eligible for Coverage*, would revise paragraph (a)(5), regarding exceptions to the wastes ineligible for coverage under Subchapter E that are process wastewater regulated under 40 CFR Parts 400 - 471, would add produced water regulated under 40 CFR Part 435 as new subparagraphs (J) within §210.54(a)(5). The proposed amended paragraph would also add produced water regulated under 40 CFR Part 437 in accordance with requirements, conditions, and prohibitions in Part 437, as new subparagraph (L) within §210.54(a)(5). Existing subsequent subparagraphs would be renumbered.

TCEQ's jurisdiction at facilities seeking authorization to reuse produced water that has been treated for beneficial use under this subchapter is outlined under §7.117 of this title, *Memorandum of Understanding between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ)*.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rule is in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rule.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit will be rule language that is consistent with state law, specifically SB 1145 from the 89th Regular Legislative Session (2025). The proposed rulemaking will not result in fiscal implications for individuals or businesses during the first five-year period the proposed rule is in effect.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not create, expand, repeal, or limit this regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Written comments concerning the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analy-

sis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble

Draft Regulatory Impact Analysis Determination

The commission reviewed the rulemaking action in consideration of the regulatory analysis requirements of Texas Government Code (TGC), §2001.0225, and determined that the action is not subject to §2001.0225 because it does not meet the definition of a "Major environmental rule" as defined in that statute. A "Major environmental rule" is defined as a rule, the specific intent of which, is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The proposed rulemaking is not specifically intended to protect the environment or reduce risks to human health from environmental exposure. Rather, it intends to implement SB 1145, which amended TWC, §26.131 and transferred permitting authority from the RRC to the TCEQ of applications filed on or after September 1, 2025, for the land application of produced water that is treated for beneficial use, and to expand the existing requirements under 30 TAC Chapter 210, Subchapter E, to add produced water regulated under 40 CFR Parts 435 and 437 to the list of process wastewater exceptions that may be authorized for reuse under the subchapter.

Even if the proposed rulemaking was a "Major environmental rule," TGC, §2001.0225 still would not apply to this rulemaking because §2001.0225 only applies to a "Major environmental rule," the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

This rulemaking does not meet any of these four applicability criteria because it: 1) does not exceed a standard set by federal law; 2) does not exceed an express requirement of state law; 3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and 4) is not proposed solely under the general powers of the agency, but rather specifically under 40 CFR Parts 435 and 437, which provide effluent limitations and guidelines pursuant to 33 U.S.C. §§ 1251, 1311, 1316, and 1326 (Federal Water Pollution Control Act); TWC, §26.131, which authorizes the commission to issue permits for the land application of produced water; §26.027, which authorizes the commission to issue permits; and §26.121, which authorizes the commission to prohibit unauthorized discharges. Therefore, this proposed rulemaking does not fall under any of the applicability criteria in TGC, §2001.0225.

The commission invites public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

TCEQ evaluated this proposed rule and performed an analysis of whether it constitutes a taking under TGC, Chapter 2007. The proposed rulemaking intends to implement SB 1145, which amended TWC, §26.131 and transferred permitting authority from RRC to TCEQ of applications filed on or after September 1, 2025, for the land application of produced water that is treated for beneficial use, and to add produced water regulated under 40 CFR Parts 435 and 437 to the list of process wastewater exceptions that may be authorized for reuse under the subchapter.

Promulgation and enforcement of the proposed rulemaking would be neither a statutory nor a constitutional taking of private real property. The proposed rule does not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of a governmental action. Consequently, this rulemaking action does not meet the definition of a taking under TGC, §2007.002(5).

Consistency with the Coastal Management Program

The commission reviewed the proposed rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(6). Therefore, the proposed rules are not subject to the Texas Coastal Management Program.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a hold a hybrid virtual and in-person public hearing on this proposal in Austin on June 15, 2026, at 10:00 a.m. in Building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal thirty minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by June 11, 2026. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on June 12, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/bc7d1a3d-ecdc-4185-b13e-6a7e4dc60392@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://tceq.commentinput.com/comment/search*. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-006-309-OW. The comment period closes at 11:59 p.m. on June 16, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Shannon Gibson, Water Quality Division, (512) 239-4284.

Statutory Authority

These amendments to 30 Texas Administrative Code Chapter 210 are proposed under the Texas Water Code (TWC). Specifically, TWC, §5.013, which establishes the general jurisdiction of the commission while TWC, §5.102, provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §5.103; TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the code and other laws of the state; TWC, §5.105, which authorizes the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC; and TWC, §5.120, which requires the commission to administer the law for the maximum conservation and protection of the environment and natural resources of the state. These amendments are also adopted under TWC, §26.027, which authorizes the commission to issue permits for the discharge of waste or pollutants into or adjacent to water in the state; TWC, §26.121, which provides the commission's authority to prohibit unauthorized discharges into or adjacent to water in the state; and TWC, §26.131, which provides the commission's authority to issue permits for the discharge of produced water into water in the state and for the land application of produced water.

The proposed amendments implement TWC, §§5.013, 5.102, 5.103, 5.105, 5.120, 26.027, 26.121, and 26.131.

§210.54. Wastes Not Eligible for Coverage.

(a) The following wastes are not eligible for authorization under this subchapter regardless of effluent quality or end use:

(1) wastewater containing radioactive material regulated under Texas Health and Safety Code, Chapter 401;

(2) wastewater containing dioxin and furans;

(3) wastewater containing pesticides;

(4) wastewater classified as or which is characteristically hazardous as defined by 40 Code of Federal Regulations (CFR) Part 261;

(5) process wastewater regulated under 40 CFR Parts 400 - 471 with the following exceptions:

(A) Part 405 - dairy products processing;

(B) Part 406 - grain mills;

(C) Part 407 - canned and preserved fruits and vegetables;

(D) Part 408 - canned and preserved seafood processing;

(E) Part 409 - sugar processing;

(F) Part 411 - cement manufacturing;

(G) Part 417 - soap and detergent manufacturing;

(H) Part 423 - steam electric power generating;

(I) Part 434 - coal mining;

(J) Part 435 - oil and gas extraction;

(K) [~~(J)~~] Part 436 - mineral mining and processing;

(L) Part 437 - centralized waste treatment, in accordance with requirements, conditions, and prohibitions in Part 437;

(M) [~~(K)~~] Part 454 - gum and wood chemicals manufacturing; and

(N) [~~(L)~~] Part 460 - hospital;

(6) septic tank waste, chemical toilet waste, grit trap waste, or grease trap waste;

(7) barge cleaning washwater;

(8) air scrubber wastewater;

(9) any wastewater where a permit by rule authorized under Chapter 321 of this title (relating to Control of Certain Activities by Rule) or commission-issued general permit for land application is available; or

(10) remediated/contaminated groundwater generated from facilities where process wastewater is prohibited for use as listed in paragraph (5) of this subsection.

(b) Producers who could otherwise be eligible to obtain authorization under this chapter, but who do not implement all required applicable conditions of this authorization must apply for and obtain permit coverage.

(c) Discharges into or adjacent to water in the state shall not be authorized under this chapter where prohibited by applicable rules including, but not limited to, Chapter 213 of this title (relating to Edwards Aquifer); Chapter 311 of this title (relating to Watershed Protection); and Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste).

(d) Any user proposing to irrigate or store wastewater within the boundaries of a playa lake may not obtain authorization under this subchapter and must obtain a Texas Pollutant Discharge Elimination System discharge permit for authorization to discharge into a playa lake.

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 May 1, 2026.

TRD-202601862
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 239-2678

♦ ♦ ♦

CHAPTER 309. [~~DOMESTIC~~] WASTEWATER EFFLUENT LIMITATIONS [~~LIMITATION~~] AND PLANT SITING

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §§309.1, 309.10, 309.11, 309.13, and 309.20.

Background and Summary of the Factual Basis for the Proposed Rules

TCEQ is proposing to amend 30 Texas Administrative Code (TAC) Chapter 309 (Domestic Wastewater Effluent Limitations and Plant Siting) to implement Senate Bill (SB) 1145, 89th Regular Legislative Session, which amended Texas Water Code (TWC), §26.131 (Duties of the Railroad Commission), to transfer permitting authority for the land application of produced water that is treated for beneficial use from the Railroad Commission of Texas (RRC) to TCEQ for permit applications filed on or after September 1, 2025.

The rulemaking proposes to amend §§309.1, 309.10, 309.11, 309.13, and 309.20 to clarify applicability to the land application of industrial wastewater, including produced water under TWC, §26.131 and establish minimum requirements for land application of produced water.

As part of this rulemaking, the commission is also proposing amendments to 30 TAC Chapter 210 (Use of Reclaimed Water) concurrently in this issue of the *Texas Register*.

Section by Section Discussion

The proposed rules would amend the title of the chapter to "Wastewater Effluent Limitations and Plant Siting" by removing the word "Domestic" to clarify that this chapter applies to both domestic wastewater and industrial wastewater.

The proposed rules would also amend the title of the Subchapter C and §309.20 to "Land Application of Treated Effluent" by removing the word "Sewage" to similarly clarify that this chapter applies to both domestic wastewater and industrial wastewater.

Proposed amended §309.1, *Scope and Applicability*, would revise subsection (a) to clarify that applicability to treated effluent (i.e., domestic wastewater and industrial wastewater) by removing the reference to only ‘domestic sewage'. The proposed amended section would also correct the title of Figure: 30 TAC §309.1(b).

Proposed amended §309.10, *Purpose, Scope, and Applicability*, would be revised to clarify applicability to both domestic wastewater and industrial wastewater, including produced water. Subsection (a) would be restructured into subsection (a)(1) and (a)(2) and amended, as follows:

Proposed subsection (a)(1) would be amended to clarify that Subchapter B (relating to Location Standards) applies to land application of industrial wastewater, including produced water, in addition to domestic wastewater treatment facilities. The amended paragraph would also restructure existing provisions related to evaluation of an application as subsection (a)(1)(A) related to domestic wastewater and (a)(1)(C) related to plans and specifications. Proposed new subsection (a)(1)(B) would clarify applicability to the evaluation of an application to treat and dispose of industrial wastewater, including produced water under TWC, §26.131.

Proposed subsection (a)(2) would be amended to expand applicability to both domestic and industrial wastewaters by removing the reference to domestic only. The proposed paragraph would also be amended to clarify applicability to land application permit applications.

Proposed amended §309.11, *Definitions*, would add references to the definitions for "Industrial Wastewater" (as defined in 30 TAC §210.52) and "Produced Water" (as defined in 30 TAC §305.541(b)). Subsequent definitions would be renumbered.

Proposed amended §309.13, *Unsuitable Site Characteristics*, would clarify applicability as well as establish minimum requirements for treatment and disposal of treated effluent.

Proposed amended subsection (c) would be revised to clarify applicability to industrial wastewater, including produced water under TWC, §26.131. Proposed amended subsection (c) would also add new paragraph (6) requiring a wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs, to be located a minimum horizontal distance of 100 feet from a water in the state.

Proposed amended subsection (d) would be amended to clarify that additional requirements under 30 TAC §217.203 of this title (relating to Design Criteria for Natural Treatment Systems) may apply.

Proposed amended §309.20, *Land Application of Treated Effluent*, would correct the title of Figure: 30 TAC §309.20(b)(3)(C).

TCEQ's jurisdiction at facilities seeking authorization to land apply produced water that has been treated for beneficial use under this chapter is outlined under §7.117 of this title, *Memorandum of Understanding between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ)*.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rule is in effect, fiscal implications for the agency cannot be estimated.

As authorized by SB 1145 from the 89th Regular Legislative Session (2025), this rulemaking would promulgate language to establish how TCEQ will issue permits for the land application of produced water that is treated for beneficial use and establish minimum requirements for the land application of produced water. Proposed changes to 30 TAC §309.10 and §309.13 would make clear that produced water will be permitted as industrial wastewater. For such permits, it is anticipated that TCEQ would receive additional revenue from application fees and from annual water quality fees. Application fees are dependent on the classification of the facility with the cost being $1,250 for a new permit for minor facilities and $2,050 for major facilities (30 TAC §305.53(a)(6)(D) and (b)). Water quality fees would be set at a minimum of $1,250 per year for each permit (30 TAC §21.3(6)(B)), with the actual cost being dependent on the permitted flow, amount of pollutants, and toxic rating for the discharge (30 TAC §21.3(6)(B)). As the number and types of permit applications that will be received during the first five years is unknown, the total revenue that would be received for this category of land application permits cannot be estimated.

No fiscal implications are anticipated for other units of state or local government as a result of administration or enforcement of the proposed rule.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit will be rule language that provides clarity and establishes minimum requirements regarding how TCEQ would issue permits for the land application of industrial wastewater, including produced water for beneficial use as authorized by SB 1145 from the 89th Regular Legislative Session (2025). Additionally, the public will benefit from the clarity of promulgated requirements related to the location of wastewater treatment plant units or effluent used for irrigation in relation to waters of the state (30 TAC §309.13(d)(2)). The public will also benefit from various clarifications in the rule. The addition of the requirements proposed in the rule would lead to increased protection of water quality in the waters of the state and the land application of produced water may lead to the increased availability of water for beneficial reuse.

Entities which seek authorization to apply produced water to the land would incur costs to complete their application and upon issuance of the permit, they would incur costs to comply with permit requirements in 30 TAC §309. Costs include application and water quality fees, costs associated with water quality treatment, costs for sampling and analysis of water quality and soil samples, and other costs associated with developing the permit application and meeting reporting and recordkeeping requirements. Overall, costs cannot be estimated because they would be highly dependent on a number of factors, including but not limited to characteristics of the site where water would be applied to the land, the permitted amount of produced water that would be applied to the land, and the quality of the produced water.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect. The proposed rule is not compulsory, and entities that seek authorization to land apply produced water would incur costs when seeking a permit, paying fees, and complying with permit requirements. This may include some small businesses engaged in oil and gas extraction and support activities, the number of which cannot be estimated.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminating current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not create, expand, repeal, or limit this regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Written comments concerning the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble

Draft Regulatory Impact Analysis Determination

The commission reviewed the rulemaking action in consideration of the regulatory analysis requirements of Texas Government Code (TGC), §2001.0225, and determined that the action is not subject to §2001.0225 because it does not meet the definition of a "Major environmental rule" as defined in §2001.0225(g)(3). A "Major environmental rule" is defined as a rule, the specific intent of which, is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The proposed rulemaking is not specifically intended to protect the environment or reduce risks to human health from environmental exposure. Rather, it intends to implement SB 1145, which amended TWC, §26.131 and transferred permitting authority from RRC to TCEQ of applications filed on or after September 1, 2025, for the land application of produced water that is treated for beneficial use, and to clarify applicability to the land application of industrial wastewater, including produced water under TWC, §26.131 and establish minimum requirements for land application of produced water.

Even if the proposed rulemaking was a "Major environmental rule," TGC, §2001.0225 still would not apply to this rulemaking because §2001.0225 only applies to a "Major environmental rule," the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

This rulemaking does not meet any of these four applicability criteria because it: 1) does not exceed a standard set by federal law; 2) does not exceed an express requirement of state law; 3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and 4) is not proposed solely under the general powers of the agency, but rather specifically under TWC, §26.131, which authorizes the commission to issue permits for the land application of produced water; §26.027, which authorizes the commission to issue permits; and §26.121, which authorizes the

commission to prohibit unauthorized discharges. Therefore, this proposed rulemaking does not fall under any of the applicability criteria in TGC, §2001.0225.

The commission invites public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

TCEQ evaluated this proposed rule and performed an analysis of whether it constitutes a taking under TGC, Chapter 2007. The proposed rulemaking intends to implement SB 1145, which amended TWC, §26.131 and transferred permitting authority from RRC to TCEQ for the land application of produced water that is treated for beneficial use, and to clarify applicability to the land application of industrial wastewater, including produced water under TWC, §26.131 and establish minimum requirements for land application of produced water.

Promulgation and enforcement of the proposed rulemaking would be neither a statutory nor a constitutional taking of private real property. The proposed rule does not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of a governmental action. Consequently, this rulemaking action does not meet the definition of a taking under TGC, §2007.002(5).

Consistency with the Coastal Management Program

The commission reviewed the proposed rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(6). Therefore, the proposed rules are not subject to the Texas Coastal Management Program.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a hold a hybrid virtual and in-person public hearing on this proposal in Austin on June 15, 2026, at 10:00 a.m. in Building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by June 11, 2026. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on June 12, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/bc7d1a3d-ecdc-4185-b13e-6a7e4dc60392@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://tceq.commentinput.com/comment/search*. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-006-309-OW. The comment period closes on June 16, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Shannon Gibson, Water Quality Division, (512) 239-4284.

SUBCHAPTER A. EFFLUENT LIMITATIONS

30 TAC §309.1

Statutory Authority

These amendments to 30 Texas Administrative Code (TAC) Chapter 309 are proposed under the Texas Water Code (TWC). Specifically, TWC, §5.013, which establishes the general jurisdiction of the commission while TWC, §5.102, provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §5.103; TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the code and other laws of the state; TWC, §5.105, which authorizes the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC; and TWC, §5.120, which requires the commission to administer the law for the maximum conservation and protection of the environment and natural resources of the state. These amendments are also adopted under TWC, §26.027, which authorizes the commission to issue permits for the discharge of waste or pollutants into or adjacent to water in the state; TWC, §26.121, which provides the commission's authority to prohibit unauthorized discharges into or adjacent to water in the state; and TWC, §26.131, which provides the commission's authority to issue permits for the discharge of produced water into water in the state and for the land application of produced water.

The proposed amendments implement TWC, §§5.013, 5.102, 5.103, 5.105, 5.120, 26.027, 26.121, and 26.131.

§309.1. Scope and Applicability.

(a) The purpose of this subchapter is to promulgate a set of effluent quality limitations for treated effluent, [~~domestic~~ sewage] which will be required of permittees as appropriate to maintain water quality in accordance with the commission's surface water quality standards. Any incorporation of federal regulations into this chapter shall apply only to disposal of treated effluent [~~domestic~~ sewage].

(b) Secondary treatment, with exceptions applicable to certain stabilization pond systems and other natural systems, is defined as a

minimum reduction of pollutants to meet the quality specified in Figure: 30 TAC §309.1(b):
Figure: 30 TAC §309.1(b)
[~~Figure: 30 TAC §309.1(b)~~]

(c) Effective April 1988, all permits containing an ammonia-nitrogen effluent limit are modified to change Biochemical Oxygen Demand (BOD_5) to carbonaceous biochemical oxygen demand ($CBOD_5$).

(d) Effective January 1, 1988, any permit containing a BOD_5 effluent limitation may be monitored and reported as $CBOD_5$ as long as nitrogen is monitored and reported as ammonia-nitrogen at the same sampling frequency. If the permit authorizes a discharge to land or an evaporation pond only, ammonia-nitrogen monitoring and reporting are not required to change to $CBOD_5$.

(e) The state of Texas has established a state water quality management program and a continuing planning process which sets forth the strategy and procedures for accomplishing the management program's objectives. Essential elements of the program include updates of basin plans, total maximum daily loads, and wasteload evaluations by basin segments. In order to achieve compliance with water quality standards within certain segments, more stringent effluent quality limitations other than basic secondary treatment may be required to protect water quality.

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 May 1, 2026.

TRD-202601859
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 239-2678

♦ ♦ ♦

SUBCHAPTER B. LOCATION STANDARDS

30 TAC §§309.10, 309.11, 309.13

Statutory Authority

These amendments to 30 Texas Administrative Code (TAC) Chapter 309 are proposed under the Texas Water Code (TWC). Specifically, TWC, §5.013, which establishes the general jurisdiction of the commission while TWC, §5.102, provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §5.103; TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the code and other laws of the state; TWC, §5.105, which authorizes the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC; and TWC, §5.120, which requires the commission to administer the law for the maximum conservation and protection of the environment and natural resources of the state. These amendments are also adopted under TWC, §26.027, which authorizes the commission to issue permits for the discharge of waste or pollutants into or adjacent to water in the state; TWC, §26.121, which provides the commission's authority to prohibit unauthorized discharges into or adjacent to water in the state; and TWC, §26.131, which provides the commission's authority to issue permits for the discharge of produced water into water in the state and for the land application of produced water.

The proposed amendments implement TWC, §§5.013, 5.102, 5.103, 5.105, 5.120, 26.027, 26.121, and 26.131.

§309.10. Purpose, Scope, and Applicability.

(a) Applicability.

(1) This subchapter establishes minimum standards for the location of domestic wastewater treatment facilities and land application of industrial wastewater, including produced water under Tex. Water Code §26.131. These standards are to be applied in the evaluation of an application for a permit to:

(A) treat and dispose of domestic wastewater; [~~and~~]

(B) treat and dispose of industrial wastewater, including produced water under Tex. Water Code §26.131; and

(C) for obtaining approval of construction plans and specifications.

(2) This subchapter applies to [~~domestic~~] wastewater and land application permit applications and construction plans and specifications filed on or after October 8, 1990, for new facilities and substantial changes in the function or use of existing units.

(b) The purpose of this subchapter is to condition issuance of a permit and/or approval of construction plans and specifications for new domestic wastewater treatment facilities or the substantial change in the function or use of an existing unit on selection of a site that minimizes possible contamination of water in the state; to define the characteristics that make an area unsuitable or inappropriate for a wastewater treatment facility; to minimize the possibility of exposing the public to nuisance conditions; and to prohibit issuance of a permit for a facility to be located in an area determined to be unsuitable or inappropriate, unless the design, construction, and operational features of the facility will mitigate the unsuitable site characteristics.

§309.11. Definitions.

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

(1) Active geologic processes--Any natural process which alters the surface and/or subsurface of the earth, including, but not limited to, erosion (including shoreline erosion along the coast), submergence, subsidence, faulting, karst formation, flooding in alluvial flood wash zones, meandering river bank cutting, and earthquakes.

(2) Aquifer--A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Portions of formations, such as clay beds, which are not capable of yielding a significant amount of groundwater to wells or springs are not aquifers.

(3) Erosion--The group of natural processes, including weathering, deterioration, detachment, dissolution, abrasion, corrosion, wearing away, and transportation, by which earthen or rock material is removed from any part of the earth's surface.

(4) Existing facility--Any facility used for the storage, processing, or application of domestic wastewater and which has obtained approval of construction plans and specifications as of March 1, 1990.

(5) Industrial wastewater--As defined in 30 Texas Administrative Code §210.52(9).

(6) [~~(5)~~] New facility--Any domestic wastewater treatment facility which is not an existing facility.

(7) [~~(6)~~] Nuisance odor prevention--The reduction, treatment, and dispersal of potential odor conditions that interfere with another's use and enjoyment of property that are caused by or generated from a wastewater treatment plant unit, which conditions cannot be prevented by normal operation and maintenance procedures of the wastewater treatment unit.

(8) [~~(7)~~] One hundred-year flood plain--Any land area which is subject to a 1.0% or greater chance of flooding in any given year from any source.

(9) Produced water--As defined in 30 Texas Administrative Code §305.541(b).

(10) [~~(8)~~] Substantial change in the function or use--An increase in the pollutant load or modification in the existing purpose of the unit.

(11) [~~(9)~~] Wastewater treatment plant unit--Any apparatus necessary for the purpose of providing treatment of wastewater (i.e., aeration basins, splitter boxes, bar screens, sludge drying beds, clarifiers, overland flow sites, treatment ponds or basins that contain wastewater, etc.). For purposes of compliance with the requirements of §309.13(e) of this title (relating to Unsuitable Site Characteristics), this definition does not include off-site bar screens, off-site lift stations, flow metering equipment, or post-aeration structures needed to meet permitted effluent minimum dissolved oxygen limitations.

(12) [~~(10)~~] Wetlands--Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, playa lakes, and similar areas.

§309.13. Unsuitable Site Characteristics.

(a) A wastewater treatment plant unit may not be located in the 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during that flood event.

(b) A wastewater treatment plant unit may not be located in wetlands. (This prohibition is not applicable to constructed wetlands.)

(c) A wastewater treatment plant unit may not be located closer than 500 feet from a public water well as provided by §290.41(c)(1)(B) of this title (relating to Water Sources) nor 250 feet from a private water well. The following separation distances apply to any facility used for the storage, processing, or application of domestic wastewater and industrial wastewater, including produced water under Tex. Water Code §26.131. Exceptions to these requirements will be considered at the request of a permit applicant on a case-by-case basis, and alternative provisions will be established in a permit if the alternative condition provides adequate protection to potable water sources and supplies.

(1) A wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs must be located a minimum horizontal distance of 150 feet from a private water well.

(2) A wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 500 feet from an elevated or ground potable-water storage tank as provided by §290.43(b)(1) of this title (relating to Water Storage).

(3) A wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 500 feet from a public water well site as provided by §290.41(c)(1)(C) of this title, spring, or other similar sources of public drinking water.

(4) A wet well or pump station at a wastewater treatment facility must be located a minimum horizontal distance of 300 feet from a public water well site, spring, or other similar sources of public drinking water as provided by §290.41(c)(1)(B) of this title.

(5) A wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 500 feet from a surface water treatment plant as provided by §290.42(a)(2)(A) of this title (relating to Water Treatment).

(6) A wastewater treatment plant unit, or land where irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 100 feet from a water in the state.

(d) A wastewater treatment [~~facility~~] surface impoundment may not be located in areas overlying the recharge zones of major or minor aquifers, as defined by the Texas Water Development Board, unless the aquifer is separated from the base of the containment structure by a minimum of three feet of material with a hydraulic conductivity toward the aquifer not greater than 10-7 cm/sec or a thicker interval of more permeable material which provides equivalent or greater retardation of pollutant migration. A synthetic membrane liner may be substituted with a minimum of 40 mils thickness and an underground leak detection system with appropriate sampling points. Additional requirements under §217.203 of this title (relating to Design Criteria for Natural Treatment Systems) may apply.

(e) One of the following alternatives must be met as a compliance requirement to abate and control a nuisance of odor prior to construction of a new wastewater treatment plant unit, or substantial change in the function or use of an existing wastewater treatment unit.

(1) Lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins, etc.) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units may not be located closer than 150 feet to the nearest property line. Land used to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated effluent by irrigation shall be evaluated on a case-by-case basis. The permittee must hold legal title or have other sufficient property interest to a contiguous tract of land necessary to meet the distance requirements specified in this paragraph during the time effluent is disposed by irrigation.

(2) The applicant must submit a nuisance odor prevention request for approval by the executive director. A request for nuisance odor prevention must be in the form of an engineering report, prepared and sealed by a licensed Texas professional engineer in support of the request. At a minimum, the engineering report shall address existing climatological conditions such as wind velocity and atmospheric stability, surrounding land use which exists or which is anticipated in the future, wastewater characteristics in affected units pertaining to the area of the buffer zone, potential odor generating units, and proposed solutions to prevent nuisance conditions at the edge of the buffer zone and beyond. Proposed solutions shall be supported by actual test data or appropriate calculations. The request shall be submitted, prior to construction, either with a permit application and subject to review during the permitting process or submitted for executive director approval after the permitting process is completed.

(3) The permittee must submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the applicant. Sufficient evidence of legal restriction may, among others, take the form of a suitable restrictive easement, right-of-way, covenant, deed restriction, deed recorded, or a private agreement provided as a certified copy of the original document. The request shall be submitted, prior to construction, either

with a permit application and subject to review during the permitting process or submitted for executive director approval after the permitting process is completed.

(f) For a facility for which a permit application, other than a renewal application, is made after October 8, 1990, if the facility will not meet the buffer zone requirement by one of the alternatives described in subsection (e) of this section, the applicant shall include in the application for the discharge permit a request for a variance. A variance will be considered on a case-by-case basis and, if granted by the commission, shall be included as a condition in the permit. This variance may be granted by the commission, consistent with the policies set out in Texas Water Code, §26.003.

(g) Any approved alternative for achieving the requirements of this section must remain in effect as long as the wastewater treatment plant is permitted by the commission. To comply with this requirement, the permittee must carry out the nuisance odor prevention plan at all times, shall ensure sufficient property ownership or interest and shall maintain easements prohibiting residential structures, as appropriate.

(h) For a permitted facility undergoing renewal of an existing permit with plans and specifications approved prior to March 1, 1990, for which no design change is requested, the facility will not be required to comply with the requirements of this section.

(i) Facilities for which plans and specifications have been approved prior to March 1, 1990, are not required to resubmit revised plans and specifications to meet changed requirements in this section in obtaining renewal of an existing permit.

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 May 1, 2026.

TRD-202601860
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 239-2678

♦ ♦ ♦

SUBCHAPTER C. LAND APPLICATION OF TREATED [~~SEWAGE~~] EFFLUENT

30 TAC §309.20

Statutory Authority

These amendments to 30 Texas Administrative Code (TAC) Chapter 309 are proposed under the Texas Water Code (TWC). Specifically, TWC, §5.013, which establishes the general jurisdiction of the commission while TWC, §5.102, provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §5.103; TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the code and other laws of the state; TWC, §5.105, which authorizes the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC; and TWC, §5.120, which requires the commission to administer the law for the maximum conservation and protection of the environment and natural resources of the state. These amendments are also adopted under TWC, §26.027, which authorizes the commission to issue permits for the discharge of waste or pollutants into or adjacent to water in the state; TWC, §26.121, which provides the commission's authority to prohibit unauthorized discharges into or adjacent to water in the state; and TWC, §26.131, which provides the commission's authority to issue permits for the discharge of produced water into water in the state and for the land application of produced water.

The proposed amendments implement TWC, §§5.013, 5.102, 5.103, 5.105, 5.120, 26.027, 26.121, and 26.131.

§309.20. Land Application of Treated [~~Sewage~~] Effluent.

(a) Technical report. Each project shall be accompanied by a preliminary engineering report outlining the design of the wastewater application system. The report shall include maps, diagrams, basis of design, calculations, and other pertinent data as described in this section.

(1) Location.

(A) Site map. A copy of the United States Geological Survey 7 1/2 minute topographic map or equivalent for renewals of the area which indicates the exact boundaries of the application operation must be included in the technical report. A map from the 7 1/2 minute series is required if it is published for the site area.

(B) Site drawing. A scale drawing and legal description of all land which is to be a part of the application operation will be included in the technical report. The drawing must show the location of all existing and proposed facilities to include: buildings, wastewater application or treatment facilities, effluent storage and tail water control facilities, buffer zones, and water wells. This drawing must have an index of wells, adjacent property, and other prominent features. Ownership of land tracts adjacent to the irrigated land shall be shown on the site drawing and identified by listing legal ownership.

(2) Geology. The existence of any unusual geological formations such as faults or sink holes on the wastewater application site shall be noted in the technical report and identified on the site map. The conceptual design of the wastewater application system shall include appropriate engineering considerations with respect to limitations presented by these features.

(3) Soils. A general survey of soils with regard to standard classifications shall be compiled for all areas of wastewater application to the soil. Soil surveys compiled by the United States Department of Agriculture Natural Resources Conservation Service shall be utilized where available. Conceptual design aspects related to wastewater application rates, crop systems, seepage, and runoff controls shall be based upon the soil physical and chemical properties, hydraulic characteristics, and crop use suitabilities for the wastewater application site.

(4) Groundwater quality. The technical report shall fully assess the impact of the wastewater application operation on the uses of local groundwater resources. In regard to performing this assessment, the report shall systematically address subparagraphs (A) and (B) of this paragraph.

(A) All water wells within a 1/2 mile radius of the application site boundaries shall be located. If available, the water uses from each well shall be identified. In addition, aspects of construction such as well logs, casing, yield, static elevation, water quality, and age shall be furnished and evaluated in the technical report. Local groundwater resources below the wastewater application site shall be monitored to establish preoperational baseline groundwater quality when monitoring wells are available. Monitoring shall provide the following analytical determination: total dissolved solids, nitrate nitrogen, chlorides, sulfates, pH, and *Escherichia coli* bacteria.

(B) Groundwater resources serving as sources or potential sources of domestic raw water supply will be protected by limiting wastewater application rates. Effluent storage and/or treatment ponds presenting seepage hazards to these groundwater resources shall be constructed with adequate liners.

(5) Agricultural practice. The technical report shall describe the crop system proposed for the wastewater application operation. This description shall include a discussion of the adaptability of the crop to the particular soil, climatological, and wastewater sensitivity conditions that will exist at the wastewater application site. Annual nutrient uptake of the crop system shall be specified, and crop harvesting frequencies shall be described within the report.

(b) Irrigation. Irrigation application systems utilize effluent to supply the growth needs of the cover crop.

(1) Secondary effluent. Land application system operators who use land accessible to the general public shall provide a degree of treatment equivalent to secondary treatment standards, as required by §309.3(f)(1) of this title (relating to Application of Effluent Sets), prior to application of wastewater to land areas.

(2) Primary effluent. Land application systems may provide for the application of effluent from primary treatment units provided that the wastewater application system conforms with the requirements contained in subparagraphs (A) - (E) of this paragraph.

(A) The wastewater application system shall be designed and operated to prevent a discharge from entering surface water in the state, and to prevent recharge of groundwater resources which supply or offer the potential of supplying domestic raw water.

(B) The land application system shall be designed and operated to achieve application of effluent without adversely affecting the agricultural productivity of the land application site.

(C) The economic benefits derived from agricultural operations carried out at the land application site are secondary to the proper application of wastewater.

(D) The sewerage system owner shall maintain direct responsibility and control over all aspects of the sewage pretreatment and application operations, as well as all aspects of any agricultural activities carried out on the application site.

(E) The land application system shall contain sufficient area to provide for normal expansion of the facility service area. In most cases, the application system shall have a design life of at least 20 years.

(3) Design analysis. The designing engineers shall utilize a detailed design analysis of limiting hydraulic and nutrient application rates, and effluent storage needs, as the basis of the application system design. All projects shall include the detailed design analysis described in subparagraphs (A) - (C) of this paragraph.

(A) Hydraulic application rate. A water balance study shall be provided as a part of a detailed application rate analysis in order to determine the irrigation water requirement, including a leaching requirement if needed, for the crop system on the wastewater application areas. The water balance study should generally follow the example shown in Table 1 in Figure: 30 TAC §309.20(b)(3)(B). Precipitation inputs to the water balance shall utilize the average yearly rainfall and the monthly precipitation distribution based on past rainfall records. The consumptive use requirements (evapotranspiration losses) of the crop system shall be developed on a monthly basis. The method of determining the consumptive use requirement shall be documented as a part of the water balance study. A leaching requirement, calculated as shown in Table 1 of this subparagraph, shall be included in the water balance study when the total dissolved solids concentration of the effluent presents the potential for developing excessive soil salinity buildup due to the long term operation of the irrigation system.

(B) Effluent storage. An effluent storage study shall be performed to determine the necessary storage requirements. The storage requirements shall be based on a design rainfall year with a return frequency of at least 25 years (the expected 25 year-one year rainfall, alternately the highest annual rainfall during the last 25 years of record may be used) and a normal monthly distribution, the application rate and cycle, the effluent available on a monthly basis, and evaporation losses. An example of an effluent storage study is shown in Table 3 in Figure: 30 TAC §309.20(b)(3)(B).
Figure: 30 TAC §309.20(b)(3)(B) (No change.)

(C) Nitrogen application rate. Irrigation shall be limited to prevent excessive nitrogen application. The annual liquid loading shall not exceed that which would introduce more nitrogen than is annually required by the crop plus 20% volatilization. Values of crop nitrogen requirements shall be justified in the design report. The application rate shall be calculated by the formula in Figure: 30 TAC §309.20(b)(3)(C).
Figure: 30 TAC §309.20(b)(3)(C)
[~~Figure: 30 TAC §309.20(b)(3)(C)~~]

(4) Soil testing. Representative soil samples shall be taken from the root zones of wastewater application sites to establish preoperational soil concentrations of pH, total nitrogen, potassium, phosphorus, and conductivity. Sampling procedures shall employ accepted techniques of soil science for obtaining representative analytical results. Preoperational soil concentration of the parameters listed in this paragraph shall be furnished in the technical report. The project development shall provide for a minimum of one soil test annually from each wastewater application site for the duration of the application system design life.

(5) Standard irrigation best management practices.

(A) Screening devices should be installed on all lift pump suction intakes.

(B) The design of sprinkler irrigation systems should allow operational flexibility and efficiency and ease of maintenance.

(i) The system should be designed to provide a uniform water distribution.

(ii) The designing engineer should consider such items as permanently buried mains with readily accessible valve boxes, two or more lateral lines, and quick coupling valves at the main/lateral connections.

(iii) Cross connection with a potable water supply system is prohibited. Cross connection with a well water system will be reviewed on a case-by-case basis.

(C) Vehicular access to conveyance system locations and equipment should be provided at intervals of 1,000 feet to 1,300 feet.

(D) The cover crop of each wastewater application area shall be harvested a minimum of once per year. Consideration should be given to the selection of crops which will allow two or more harvests per year to be made.

(E) All effluent applied as irrigation water should have a pH within the range of 6.0 to 9.0.

(c) Percolation. Percolation application systems provide for ultimate application of the wastewater by evaporation and percolation with no resulting discharge to surface water in the state.

(1) Percolation systems will not be permitted in those locations where seepage would adversely affect the uses of groundwater resources.

(2) Primary treatment of the raw sewage shall be provided prior to land application.

(3) Percolation systems shall be limited to sites having soil textures suitable for sustaining a rapid intake rate. Percolation dosing sites shall be limited to soils classified as sands, loamy sands, or sandy loams having a minimum infiltration rate of six inches per hour.

(4) Multiple dosing basins shall be provided for the application of wastewater. The wastewater distribution system shall be designed to provide a maximum dosing period of 24 hours upon any individual dosing basin and a minimum resting period for any individual dosing basin of five days following a period of dosing.

(5) The hydraulic loading rate will be considered on a case-by-case basis. The designing engineer shall identify the permeability of the limiting soil layer.

(6) The design shall provide an area equal to a minimum of 20% of the total application site area for the construction of wastewater storage for use during periods of wet or freezing weather and to provide flexibility of dosing site use.

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 May 1, 2026.

TRD-202601861
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 239-2678

♦ ♦ ♦

TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 21. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

CHAPTER 675. OPERATIONAL RULES
SUBCHAPTER B. EXPORTATION AND IMPORTATION OF WASTE

31 TAC §675.20, §675.23

The Texas Low-Level Radioactive Waste Disposal Compact Commission (TLLRWDCC or Commission) proposes to amend 31 Texas Administrative Code §675.20, concerning Definitions, and §675.23, concerning Exportation and Importation of Waste.

SECTION-BY-SECTION ANALYSIS. Amendments to §675.20 define the term "small quantity generator." Amendments to §675.23 remove requirements for import applicants to provide a paper copy to the waste disposal site operator and the Texas Commission on Environmental Quality while clarifying for the allowance of notification electronically through the TLLRWDCC portal, and add a requirement for waste processors to comply with the section.

The Commission proposes the rules to implement and fulfill its responsibilities under 42 United States Code §§2021(b) - 2021(j) which allows the Commission to "Upon petition, allow an individual generator, a group of generators, or the host state of the compact to export low-level radioactive waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission. Monitor the exportation outside of the party states of material which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility."

The rules also implement and comply with Texas Health and Safety Code §403.006 ("the Texas Low-Level Radioactive Waste Disposal Compact" or "the Compact") §3.04(7), which requires the Commission to prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed, and Compact §3.05(7), which requires the Commission, upon petition, to allow an individual generator, a group of generators, or the host state of the compact to export low-level radioactive waste to a low-level radioactive waste disposal facility located outside the party states. The Commission has determined that it is in the public interest that the Commission provide an approval process for the exportation and importation of low-level radioactive waste and that the Commission adopt updated definitions to facilitate this process.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS. Stephen Raines, the Commission's Executive Director, has determined that, for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for the Commission or for units of state or local government because of the administration or enforcement of the proposed rules.

PUBLIC BENEFIT/COST NOTE. Mr. Raines has also determined, for each year of the first five years the proposed rules would be in effect if adopted, the public benefit anticipated from the changes seen in the proposed rules will be improved clarity and efficiency with respect to the management, importation, and exportation of low-level radioactive waste in Texas, the Compact's host state. By updating the definition of "small quantity generator" and the procedures under §675.23, the proposed Commission rules benefit Texas, the Compact's host state, and the public by ensuring a safe and regulated process for waste management. Mr. Raines further has determined there will be no probable economic cost to businesses and individuals required to comply with the rule because no additional burden or requirement on businesses or individuals are added. The amended rules impose no additional reporting requirements.

IMPACT ON LOCAL EMPLOYMENT OR ECONOMY. There is no effect on local economy for the first five years that the proposed amendments are in effect because the rules concern activities of only parties involved in the importation, exportation, and disposal of low-level radioactive waste. Therefore, no economic impact statement, local employment impact statement, nor regulatory flexibility analysis is required under Texas Government Code §§2001.022 or 2001.024(a)(6).

COST TO REGULATED PERSONS (COST-IN/COST-OUT). This rule proposal is exempt from the requirements of Texas Government Code §2001.0045 because under subsection (c)(6), the rules are necessary to protect the health, safety, and welfare of the residents of the state; the proposal is also exempt under subsection (c)(9) because the rules implement a legislative requirement. In any case, as described above in the public benefit and cost note, the proposed amendments do not impose a cost on regulated persons under Government Code §2001.024, including another state agency, a special district, or a local government.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. The Commission has determined the proposed rules will not have an adverse economic impact on small businesses, microbusinesses, or rural communities because of implementing these amendments; therefore, a regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is not required.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Texas Government Code §2001.0221, the agency has prepared a government growth impact statement. During the first five years the proposed rule is in effect, these proposed amendments:

1. will not create or eliminate a government program;

2. will not result in an increase or decrease in the number of agency employees;

3. will not require an increase or decrease in future legislative appropriations to the agency because there are no costs associated with the rule;

4. will not lead to an increase or decrease in fees paid to a state agency because the rule does not involve fees;

5. will not create a new regulation except to waste processors as well as brokers.

6. will not repeal an existing regulation;

7. will not result in an increase or decrease in the number of individuals subject to the rule because it concerns the one waste disposal facility in Texas, which already is subject to the rule as it currently reads; and

8. will not positively or adversely affect the state's economy because it involves no fiscal requirements, but instead provides clear definitions and updated procedures for the importation and exportation of low-level radioactive waste.

ENVIRONMENTAL REGULATORY ANALYSIS. The Commission has determined the proposed rules are not "major environmental rules" as defined by Texas Government Code, §2001.0225 and are not subject to its requirements.

TAKINGS STATEMENT. The Commission has concluded the proposed rules do not restrict or limit an owner's right to his or her real property that would otherwise exist in the absence of this action.

SUBMITTAL OF COMMENTS. Written comments may be submitted to Stephen Raines, Executive Director, 1502 West Avenue, Austin, Texas 78701, or, by electronic mail to comments@tllrwdcc.org. All comments should reference "Rules." The Comment period closes on June 10,2026. Copies of the proposed rulemaking can be obtained from the Commission's website at http://www.tllrwdcc.org/rules/. For further information, please contact Stephen Raines, Executive Director, (512) 350-6241.

STATUTORY AUTHORITY. The rules are proposed under the authority granted in §3.05(4) of the Compact, which authorizes the Commission to adopt, by a majority vote, bylaws and rules necessary to carry out the terms of the Compact. The proposed rules implement §3.04(7) and §3.05(7) and (8) of the Compact as set out at Tex. Health & Safety Code §403.006.

§675.20. Definitions.

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

(1) The term "Commission," where used in this subchapter, means the Texas Low-Level Radioactive Waste Disposal Compact Commission established by the Texas Low-Level Radioactive Waste Disposal Compact.

(2) The term "Compact" refers to the agreement between the State of Texas and the State of Vermont to which Congress consented in Public Law 105-236, enacted September 20, 1998. The text of the Compact can be found in Texas Health and Safety Code, §403.006 and Vermont Statutes Annotated Title 10, §7069.

(3) The terms "Compact Facility" and "Facility" mean any site, location, structure, or property located in and provided by the host state for the purpose of disposal of low-level radioactive waste for which the party states are responsible.

(4) "Compact waste" means low-level radioactive waste that:

(A) is originally generated onsite in a host state or a party state; or

(B) is not generated in a host state or a party state but has been approved for importation into this state by the Commission under §3.05 of the Compact.

(5) "Contingency event" is one that causes a disruption of the normal operation of the Compact Waste Facility.

(6) The word "days" shall mean calendar days unless the rule in which it is used specifies otherwise.

(7) "Disposal" means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

(8) "Exigent event" means a sudden, unexpected occurrence, requiring interim or immediate action to prevent, minimize, or mitigate, risk of loss of life, damage to property, or disruption of essential public services, or other circumstances as the Commission finds require interim or immediate action by the Commission.

(9) The term "generate," when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

(10) The term "generator" means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the Commission. For purposes of this subchapter, the identity of a "generator" shall be determined in accordance with the following:

(A) For low-level radioactive waste acquired on or after April 27, 2012, and that is not of international origin:

(i) if a licensed manufacturer of sealed sources or devices chooses to accept from a customer a sealed source or device that it (or an entity that it acquired) manufactured, the manufacturer may declare that it is the generator when that source or device is disposed;

(ii) if a licensed manufacturer of sealed sources or devices accepts from a customer a sealed source or device manufactured by another entity, the customer will be considered the generator of the source or device when it is disposed;

(iii) if a licensed initial distributor of radioactive sealed sources or devices chooses to accept from a customer a sealed source or device that it distributed, the initial distributor may declare that it is the generator of that source or device when it is disposed;

(iv) if a licensed initial distributor of radioactive sealed sources or devices chooses to accept from a customer a sealed source or device that the distributor did not distribute, the customer will be considered the generator of the source or device when it is disposed;

(v) if a licensed distributor other than the initial distributor of the radioactive sealed sources or devices chooses to accept from a customer a sealed source or device, the customer will be considered the generator of that source or device when it is disposed;

(vi) if a licensed waste broker or waste processor chooses to accept radioactive materials from any customer, the customer will be considered the generator of those materials when they are disposed; and

(vii) when a licensed decontamination service provider provides decontamination services to any customer, the customer will be considered the generator of any waste generated by the provision of the decontamination service.

(B) A waste broker, waste processor, initial distributor, other distributor, decontamination service provider, or licensed manufacturer of sealed sources or devices who received radioactive materials from a customer before April 27, 2012 may complete TCEQ Form 20225 as the generator of that waste if it provides adequate documentation that the waste is not of international origin. Such waste may only be disposed of in the Compact Facility as party-state (in-compact) waste if the entity acting as the generator of the waste provides adequate documentation that the waste is from Texas or Vermont. If the entity acting as the generator of the waste cannot adequately document that the waste is from Texas or Vermont, the waste will be treated as non-party-state (out-of-compact) waste and will require import authorization in accordance with §675.23 of this title (relating to Importation of Waste from a Non-Party Generator for Disposal). To provide the documentation described in this subparagraph, the entity acting as the generator of the waste may rely on various records, including, but not limited to, source/device leak tests, source/device inventories, transfer/receipt records, transportation manifests, purchasing records, or other records determined by the Commission to be suitable as documentation regarding the origin of the waste.

(C) If the customer of a waste broker, waste processor, initial distributor, other distributor, decontamination service provider, or licensed manufacturer of sealed sources or devices is considered the generator of waste under subparagraph (A) of this paragraph, the waste may not be disposed of in the Compact Facility unless the customer is a public, private or governmental entity located in the United States or a territory of the United States. The waste will be considered party-state waste (in-compact) only if the customer is located in Texas or Vermont; if the customer is located in any other state or territory of the United States, the waste will be considered non-party state waste (out-of-compact).

(D) If a licensed user, initial distributor, or manufacturer of sealed sources or devices is a generator of waste, that waste may be disposed of in the Compact Facility only if the generator is a public, private or governmental entity located in the United States.

(11) "Host county" means a county in the host state in which a disposal facility is located or is being developed.

(12) "Host state" means a party state in which a Compact Facility is located or is being developed. The state of Texas is the host state under the Compact.

(13) "Low-level radioactive waste" has the same meaning as that term is defined in Section 2(9) of the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 United States Code, §2021b(9)), or in the host state statute so long as the waste is not incompatible with disposal at the Compact Facility.

(14) "Management" means collection, consolidation, storage, packaging, or treatment.

(15) "Non-party compact waste" means low-level radioactive waste imported from a state other than a party state as authorized by §3.05(6) of the Compact.

(16) "Operator" means a person who operates a disposal facility.

(17) "Party state" means any state that has become a party in accordance with Article VII of the Compact. Texas and Vermont are the party states to the Compact.

(18) "Party-state waste" means low-level radioactive waste generated in a party state.

(19) "Person" means an individual, corporation, partnership, or other legal entity, whether public or private.

(20) A “small quantity generator” is a generator of low-level radioactive waste that generates no more than 75 [~~200~~] cubic feet or no more than 100 curies of such waste per year, and does not include nuclear fuel cycle facilities, nuclear power generation facilities, [~~electric utilities,~~] or the United States Department of Defense.

(21) The acronym "TCEQ" means the Texas Commission on Environmental Quality and any successor entity.

(22) A "transporter" is a person who transports low-level radioactive waste.

(23) "Waste of international origin" means low-level radioactive waste that originates outside of the United States or a territory of the United States, including waste subsequently stored or processed in the United States.

§675.23. Exportation and Importation of Waste.

(a) It is the policy of the Commission to:

(1) promote the health, safety, and welfare of the citizens and the environment of Texas and Vermont;

(2) limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste;

(3) distribute the costs, benefits, and obligations among the party states; and

(4) refuse to allow the importation of low-level radioactive waste of international origin for disposal at the Compact Facility.

(b) Vermont's disposal capacity reserve is 20% of the Compact Facility maximum volume as stated in the Compact, and this capacity shall not be reduced by non-party waste. The Commission will utilize the volumetric and curie limits set out in Texas Health and Safety Code (THSC), §401.207, as guidelines with respect to authorizing the importation of waste.

(c) If any state other than Texas or Vermont becomes a member of the Compact in accordance with Article VII of the Compact, the waste from that state or states shall be deposited in space reserved for non-party compact waste, to the extent such space is available at the time the waste is to be deposited; in no event shall waste from that state be deposited in space reserved for waste generated in Texas or Vermont.

(d) Agreement Required. No person shall import any low-level radioactive waste for disposal that was generated in a non-party state unless the Commission has entered into an agreement for the importation of that waste pursuant to this section. No radioactive waste of international origin shall be imported into the Compact Facility for disposal. Violations of this subsection may result in prohibiting the violator from disposing of low-level radioactive waste in the Compact Facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the Commission.

(e) Form of Import Application and Terms of Import Agreement. Annex A in paragraph (1) of this subsection sets out the form that must be completed by an applicant to import low-level radioactive waste. The form will also be posted on the Commission's website and may contain minor modifications. The act of submitting an application means that the applicant is willing to enter into an agreement with the Commission containing at a minimum the terms set forth in the Term Sheet which is Annex B in paragraph (2) of this subsection.

(1) Annex A.
Figure: 31 TAC §675.23(e)(1) (No change.)

(2) Annex B.
Figure: 31 TAC §675.23(e)(2) (No change.)

(f) Submission of an Application for an Import Agreement. A person who is a generator, a waste processor acting on behalf of one or more generators, a broker acting on behalf of one or more small quantity generators, or an authorized representative of the Department of Defense shall submit an application to the Commission by electronic mail; or through the Commission online portal; [~~an additional copy of the application must also be sent to the Commission through the United Parcel Service (UPS) or FedEx delivery service.~~] The applicant may not ship any waste for disposal under the importation agreement sought until the Commission has formally elected to enter into an agreement with the applicant and both parties have executed the agreement. In addition, the applicant shall:

(1) certify that the waste acceptance criteria promulgated by the Texas Commission on Environmental Quality (TCEQ) will be met for the proposed waste importation; and

(2) deliver to the Compact Facility Operator and TCEQ a copy of the application (and any supplements or amendments thereto) by electronic mail or through the Commission online portal at the same time the applicant submits the application to the Commission. [~~The applicant must also send a hard copy of the application to the Compact Facility Operator and TCEQ through the UPS or FedEx delivery service.~~]

(g) Notice of Applications for Import Agreements. All applications for import agreements will be posted to the Commission's website within five business days of their submission.

(h) Comments on Applications for Import Agreements. Any person may submit comments on an application for an import agreement by electronic mail or through the Commission online portal through the comments section or by use of the UPS or FedEx delivery service after the application is posted on the Commission's website. The Commission will consider all comments received at least one week before the meeting at which it considers action on the application. The Commission may, but shall not be bound to, consider comments submitted less than one week before such a meeting.

(i) Review of Applications for Import Agreements. The Commission, a committee of the Commission, or other persons employed or retained by the Commission shall, after the posting of the application for an import agreement on the Commission's website, review the application for an import agreement utilizing the following factors:

(1) The volume, type, physical form, and total radioactivity of the waste proposed for importation;

(2) The policy and purpose of the Compact, as set out in Public Law 105-236, a federal law known as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act"; in THSC, §403.006, the Texas Low-Level Radioactive Waste Disposal Compact; and 10 V.S.A. §7069, the Texas Low-Level Radioactive Waste Disposal Compact;

(3) The economic impact, including both potential benefits and liabilities, on the host county, the host state, other party states, the in-compact generators, and the Compact Facility Operator of entering into the import agreement;

(4) Whether the Compact Facility Operator has obtained authorization from TCEQ to dispose of the proposed waste;

(5) The effect of the Commission's approval of the proposed import agreement on the Compact Facility's total annual volume;

(6) The existence of unresolved violations associated with radioactive waste receipt, storage, handling, management, processing, or transportation pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material, and any comments by the regulatory agency with which the applicant has unresolved violations;

(7) Any unresolved violation, complaint, unpaid fees, or past due report that the applicant has with the Commission;

(8) Any relevant comments received from any person;

(9) The generator of the waste and any necessary authorization of an applicant to export;

(10) The projected effect on the rates to be charged for disposal of party-state compact waste;

(11) Whether by acceptance of the waste for disposal, the Compact Facility will remain below the applicable annual and total volume and curie capacity disposal limits set forth in THSC, §401.207;

(12) To the extent applicable, compliance with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to THSC, §401.207(k); and

(13) Any other factor the Commission deems relevant to carry out the policy and purpose of the Compact.

(j) Decision by the Commission. No earlier than 35 days after an application is posted and no later than 100 days after it is received, the Commission shall take one of the following actions on the application for a proposed importation agreement, in whole or in part: approve the proposed agreement; deny the proposed agreement; approve the proposed agreement subject to terms and conditions as determined by

the Commission; or request additional information needed for a decision. The Commission's decision to approve in whole or in part, deny, or approve subject to terms and conditions is final without the filing of a motion for rehearing. However, after the Commission has acted on an applicant's proposed importation agreement, an applicant immediately may file another application. The Commission may deny an application for any of the following reasons:

(1) Lack of current or anticipated capacity beyond that required by party-state generators;

(2) The waste destined for the facility is not in accord with the license issued by TCEQ to the Compact Facility;

(3) The shipment potentially contains waste of international origin as defined in THSC, §401.2005(9); or

(4) Any other relevant issue.

(k) Terms and Conditions. The Commission may include any terms or conditions in the import agreement reasonably related to furthering the policy and purpose of the Compact including, but not limited to, the policies referenced in subsection (a) of this section.

(l) Importation Agreement Duration, Amendment, Revocation, Indemnification, Reporting, and Assignment.

(1) An importation agreement shall remain in effect for the term specified in the agreement, which term shall end on August 31 of the fiscal year for which the agreement is approved. The importation agreement shall remain in effect as approved unless amended by agreement of the Commission and the applicant, or revoked by the Commission prior to importation. A condition of every importation agreement shall be that any generator of low-level radioactive waste must agree to comply with §8.03 of the Compact. In addition, every importation agreement approved by the Commission shall include a condition requiring the Compact Facility Operator to receive written certification from the TCEQ that the waste is authorized for disposal under the license prior to the acceptance of waste under the importation agreement.

(2) The Commission may revoke or amend an agreement on its own motion or in response to an application by the agreement holder. When the Commission amends an importation agreement on its own motion, it may provide a reasonable time to allow the agreement holder and the Compact Facility Operator to make the changes necessary to comply with any additional requirements imposed by the Commission. No imports shall be allowed under any amended agreement for the importation of waste until:

(A) the amendment to the importation agreement has been executed by both the Commission and the agreement holder; and

(B) the agreement holder has made any changes necessary to comply with additional requirements imposed by the Commission.

(3) The Commission's Chair or his or her delegate may review applications for minor amendments and, in consultation with a committee of the Commission or other persons employed by or retained by the Commission for the purpose, may approve them without a vote of the entire Commission, although the Chair or his or her delegate has the discretion to refer the application for the amendment to the full Commission for a decision. The following changes are considered to be minor amendments: inclusion of additional compacts or unaffiliated states, territories, possessions, or districts of the United States from which waste will be shipped; inclusion of an additional waste stream; a change in waste form; and inclusion of an additional type of generator. If the holder of an importation agreement seeks to add points of origin of the waste to be disposed of in the Compact Facility, the agreement holder must also provide export authorization, as necessary, from a compact to which the state being added is a party. The Commission will not treat an application for amendment as a request for a minor amendment simply because the applicant has described the amendment as "minor." If the Chair or his or her delegate, in consultation with a committee of the Commission or other persons employed by or retained by the Commission for the purpose, decides that an application purporting to be an application for a minor amendment is actually an application for a major amendment, the Commission will return the application to the applicant who may resubmit the application as an application for a major amendment.

(4) Notice of Applications for Amendments to Import Agreements. All applications for amendments to import agreements, including applications for minor amendments, shall be posted to the Commission's website within five business days of their submission.

(5) Commission Decisions on Applications for Amendments to Import Agreements. If an application is for a minor amendment, neither the Chair nor his or her delegate will act on the application before the 15th calendar day after the posting of the application for amendment. The Commission will act on applications for major amendments in the same manner that it acts on original applications for import agreements and within the same time period. An import agreement is not assignable or transferable to any other person. The Commission's action, or that of the Chair or his or her delegate, on an application for amendment to an import agreement is final without the filing of a motion for rehearing.

(m) The Compact Facility Operator shall file with the Commission a Quarterly Import Report, no later than 30 days after the end of each calendar quarter, describing the imported waste that was disposed and stored under the import agreement during the quarter by the Compact Facility. Each Quarterly Import Report will provide the identity of the generator, the manifested volume and activity of each imported class of waste (A, B, and C), the state or United States Territory of origin, and the date(s) of waste disposal. The Quarterly Report shall provide this information for the imported waste disposed of during the most recent quarter, as well as the cumulative information for imported waste disposed of in prior quarters under this Agreement. The Commission shall publish quarterly on its website a report derived from the information provided to it by the Compact Facility Operator as well as from the TCEQ.

(n) Small Quantity Generators. A small quantity generator may use a broker to file import applications and proposed agreements with the Commission on its behalf. Such applications and proposed agreements shall comply in all respects with this section.

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 May 4, 2026.

TRD-202601902
Stephen Raines
Executive Director
Texas Low-Level Radioactive Waste Disposal Compact Commission
Earliest possible date of adoption: June 14, 2026
For further information, please call: (737) 300-2154

♦ ♦ ♦

TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION
SUBCHAPTER K. ARBITRATION OF APPRAISAL REVIEW BOARD DETERMINATIONS
DIVISION 1. GENERAL RULES

34 TAC §§9.4202, 9.4209, 9.4210

The Comptroller of Public Accounts proposes amendments to §9.4202, concerning definitions, §9.4209, concerning refund and arbitrator fee processing, §9.4210, concerning revising the RBA request form.

Legislation enacted within the last four years that provides the statutory authority for these sections is House Bill 1533, 89th Legislature, R.S., 2025.

The amendments to §9.4202 add a "lessee" definition, modify the "property owner" definition and renumber subsequent paragraphs. The amendment to §9.4209 updates references to §9.4223, regarding dismissal for lack of jurisdiction and §9.4244 regarding dismissal for lack of jurisdiction, to incorporate changes proposed in separate rule packages. The amendment to §9.4210 adopts by reference a revised RBA request form to include an option for lessees. The proposed form may be viewed at https://comptroller.texas.gov/forms/ap-219.pdf.

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 not increase or 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 amendments would have no significant fiscal impact on the state government, on units of local government, or individuals. The proposed amendments would benefit the public by improving the clarity and implementation of the sections. There would be no anticipated significant economic cost to the public. The proposed amendments would have no significant fiscal impact on small businesses or rural communities.

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 Shannon Murphy, Director, Property Tax Assistance Division, P.O. Box 13528 Austin, Texas 78711 or to the email address: ptad.rulecomments@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*.

The amendments are proposed under Tax Code, §41A.13, which requires the comptroller to adopt rules necessary to implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

The amendments implement Tax Code §41A.011 (Right to Appeal by Person Leasing Property).

§9.4202. Definitions.

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

(1) Agent--An individual, authorized under Tax Code, §41A.08(b) or §41A.015(h), and §9.4205 of this title, as applicable, to represent a party in arbitration.

(2) Appraisal district--A political subdivision established in each county responsible for appraising property in the county for ad valorem tax purposes for each taxing unit that imposes such taxes on property in the county.

(3) Appraisal review board (ARB)--The board established in a county's appraisal district pursuant to Tax Code, §6.41, authorized to hear and resolve disputes between property owners and the appraisal district.

(4) Appraised value--The value of property determined under the appraisal methods and requirements of Tax Code, Chapter 23.

(5) Arbitration--A form of conflict resolution in which all parties agree that an arbitrator will consider the evidence and render a binding decision. This term includes the two types of arbitration governed by this subchapter: regular binding arbitration and limited binding arbitration. The terms "arbitration," "binding arbitration," and "arbitration proceeding" are synonymous as used in this subchapter and include the term "arbitration hearing," the specific event at which evidence is presented to an arbitrator.

(6) ARB order--An ARB's written decision issued under Tax Code, §41.47.

(7) Authorized individual--An individual with the legal authority to act on behalf of the property owner, a legal guardian, or one who holds a valid power of attorney. Where the property owner is a business entity, this term includes the designated employee of that entity. This term does not include an individual appointed as an agent for binding arbitration under §9.4205 of this title or under Tax Code, §1.111.

(8) Chief Appraiser--The chief administrator of the appraisal district.

(9) Comptroller--The Texas Comptroller of Public Accounts and employees and designees of the comptroller.

(10) Division director--The director of the Property Tax Assistance Division of the Texas Comptroller of Public Accounts or the division director's designee.

(11) Individual--A single human being.

(12) Lessee--A person leasing the property who is contractually obligated to reimburse the property owner for taxes imposed on the property.

(13) [~~(12)~~] Limited Binding Arbitration (LBA)--A process that allows a property owner through binding arbitration to request that an arbitrator compel the ARB or the chief appraiser to take certain procedural actions under Tax Code, §41A.015.

(14) [~~(13)~~] LBA award--A final decision rendered by an arbitrator resolving the matter submitted for their consideration in an LBA case.

(15) [~~(14)~~] Market value--Has the meaning assigned by Tax Code, §1.04(7).

(16) [~~(15)~~] Online arbitration system--A web-based software application designed to electronically administer the binding arbitration program consistent with this subchapter.

(17) [~~(16)~~] Party--The property owner, property owner's agent, ARB, or appraisal district.

(18) [~~(17)~~] Property owner--The authorized individual or a person having legal title to property. In the context of rules applicable to Regular Binding Arbitration, the term includes a lessee that is authorized to appeal by Tax Code, §41A.011. [~~The term does not include lessees who have the right to protest property valuations before ARBs~~].

(19) [~~(18)~~] Regular Binding Arbitration (RBA)--A process under Tax Code, §41A.01, that allows a property owner to contest an ARB order determining a protest through binding arbitration.

(20) [~~(19)~~] RBA award--A final decision rendered by an arbitrator resolving the matter submitted for their consideration in an RBA case.

§9.4209. Refund and Arbitrator Fee Processing.

(a) Administrative costs. The comptroller shall retain $50 of every arbitration deposit to cover the comptroller's administrative costs.

(b) Refund recipients. Any deposit refunds will be issued to the refund recipient designated on the request for binding arbitration.

(c) Refund amounts.

(1) A deposit refund shall be issued to the property owner or property owner's agent in the amount of the deposit less the $50 comptroller administrative fee if:

(A) the request for binding arbitration is closed due to a defect that could not be cured or due to a defect that was not cured;

(B) the request for binding arbitration is timely withdrawn;

(C) the arbitration is dismissed in its entirety due to delinquent property taxes;

(D) the LBA award found a procedural violation in accordance with §9.4226 of this title; or

(E) the RBA award is in favor of the property owner in accordance with §9.4247(b) of this title.

(2) A deposit refund, if any, shall be issued in the amount of the deposit less the arbitrator's fee and the $50 comptroller administrative fee if:

(A) the request for binding arbitration is not timely withdrawn;

(B) the arbitration is dismissed in its entirety for lack of jurisdiction under §9.4223(a)(2)-(10) [~~§9.4223(a)(2)-(9)~~] or §9.4244(a)(2)-(11) [~~§9.4244(a)(2)-(8)~~] of this title;

(C) the LBA award did not find a procedural violation in accordance with §9.4226 of this title; or

(D) the RBA award is not in favor of the property owner in accordance with §9.4247(b) of this title.

§9.4210. Forms.

(a) Adoption by reference. The comptroller adopts by reference:

(1) the request for RBA form dated February 2026; and

(2) the RBA award form.

(b) Revision and addition of forms. Except as provided by subsection (a) of this section, all comptroller forms regarding binding arbitration under Tax Code, Chapter 41A, may be revised at the discretion of the comptroller. The comptroller may also prescribe additional forms for the administration of binding arbitration.

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 May 4, 2026.

TRD-202601879
Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-2220



DIVISION 2. LIMITED BINDING ARBITRATION FOR PROCEDURAL VIOLATIONS

34 TAC §9.4223

The Comptroller of Public Accounts proposes amendments to §9.4223, concerning dismissal for lack of jurisdiction.

Legislation enacted within the last four years that provides the statutory authority for this section is House Bill 4101, 88th Legislature, R.S., 2023.

The amendment to subsection (a) adds new paragraph (10) with an additional ground for mandatory dismissal of a request for LBA due to lack of jurisdiction.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendment is in effect, the amended rule: 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 not increase or decrease the number of individuals subject to the rule's applicability; and will not positively or adversely affect this state's economy. This proposal amends an existing rule.

Mr. Reynolds also has determined that the proposed amendment would have no fiscal impact on the state government, on units of local government, or individuals. The proposed amendment would benefit the public by improving the clarity and implementation of the section. There would be no anticipated significant economic cost to the public. The proposed amendment would have no significant fiscal impact on small businesses or rural communities.

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 Shannon Murphy, Director, Property Tax Assistance Division, P.O. Box 13528 Austin, Texas 78711 or to the email address: ptad.rulecomments@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*.

The amendments are proposed under Tax Code, §41A.13 (Rules), which allows the comptroller to adopt rules necessary to implement Tax Code, §41A.

The amendments implement Tax Code, §41A.015 (Limited Binding Arbitration to Compel Compliance with Procedural Requirements Related to Protests).

§9.4223. Dismissal for Lack of Jurisdiction.

(a) Reasons for dismissal. The arbitrator shall dismiss a pending request for LBA with prejudice, for lack of jurisdiction, if:

(1) except as allowed by Tax Code, §41A.10, taxes on the property subject to the appeal are delinquent because, for any prior year, all property taxes due have not been paid or because, for the year at issue, the undisputed tax amount was not paid before the delinquency date set by the applicable section of Tax Code, Chapter 31;

(2) no notice of protest under Tax Code, Chapter 41, was filed prior to the request for LBA being filed under Tax Code, §41A.015(a);

(3) the requestor seeks to compel the ARB or chief appraiser to take an action that is not authorized by Tax Code, §41A.015(a);

(4) the requestor failed to timely provide written notice to the chair of the ARB, the chief appraiser, and the taxpayer liaison officer for the applicable appraisal district by certified mail, return receipt requested, of the procedural requirement(s) with which the property owner alleges the ARB or chief appraiser was required to comply under Tax Code, §41A.015(b)(1);

(5) the requestor failed to timely file the request for LBA under Tax Code, §41A.015(d), which requires filing it no earlier than the 11th day and no later than the 30th day after the date the property owner delivered the notice required by Tax Code, §41A.015(b)(1);

(6) the chief appraiser or ARB chair delivered a written statement to the property owner on or before the 10th day after the notice described by Tax Code, §41A.015(b)(1), was delivered confirming that the ARB or chief appraiser would comply with the requirement or cure a failure to comply with the requirement;

(7) a lawsuit was filed in district court regarding the same issues, for the same properties, and for the same tax year for which the request was filed;

(8) the property owner or the property owner's agent and the appraisal district have executed a written agreement resolving the matter; [~~or~~]

(9) the request for LBA was not filed by the property owner or was filed by an agent without proper authority as described by Tax Code, §41A.08 and §9.4205 of this title; or[.]

(10) a request for LBA was previously determined by an arbitrator for the same property for the same issues and for the same tax year.

(b) An arbitrator shall dismiss any individual properties for which subsection (a) of this section applies and the case will move forward with only the remaining properties.

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 May 4, 2026.

TRD-202601880

Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-2220

♦ ♦ ♦

DIVISION 3. REGULAR BINDING ARBITRATION OF APPRAISAL REVIEW BOARD DETERMINATIONS

34 TAC §9.4240, §9.4244

The Comptroller of Public Accounts proposes amendments to §9.4240, concerning request for RBA, and §9.4244, concerning dismissal for lack of jurisdiction.

Legislation enacted within the last four years that provides the statutory authority for these sections is House Bill 1533, 89th Legislature, R.S., 2025.

The amendments to §9.4240 clarify and update the requirements and structure of the process for lessees to appeal an ARB order determining a protest of property value. The amendments to §9.4244 add additional instances where the arbitrator shall dismiss a request for RBA due to lack of jurisdiction.

Tetyana Melnyk, Director of Revenue Estimating Division, 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 not increase or 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.

Ms. Melnyk also has determined that the proposed amendments would have no significant fiscal impact on the state government, on units of local government, or individuals. The proposed amendments would benefit the public by improving the clarity and implementation of the sections. There would be no anticipated significant economic cost to the public. The proposed amendments would have no significant fiscal impact on small businesses or rural communities.

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 Shannon Murphy, Director, Property Tax Assistance Division, P.O. Box 13528 Austin, Texas 78711 or to the email address: ptad.rulecomments@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*.

The amendments are proposed under Tax Code, §41A.13, which requires the comptroller to adopt rules necessary to implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

The amendments implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

§9.4240. Request for RBA.

(a) Right of appeal in RBA. A property owner, lessee, or the property owner's agent may appeal an ARB order determining a protest

of property value through RBA under the terms and conditions of this section. A single ARB order may be appealed to RBA by only one property owner, even if multiple property owners are listed.

(b) Requirements for processing. A request for RBA will be processed for arbitration under Tax Code, §41A.01, if:

(1) The request for RBA concerns a property with an appraised or market value of $5 million or less as determined by the ARB order, or the property qualifies as the property owner's residence homestead under Tax Code, §11.13;

(2) The only matter in dispute is the determination of a protest filed under either Tax Code, §41.41(a)(1), concerning the property's appraised or market value, or under Tax Code, §41.41(a)(2) concerning unequal appraisal of the property;

(3) The deposit meets the requirements of Tax Code, §41A.03(a)(2), and §9.4204 and §9.4241 of this title;

(4) Except as allowed by Tax Code, §41A.10, taxes on the property subject to the appeal are not delinquent because, for any prior year, all property taxes due have not been paid or because, for the year at issue, the undisputed tax amount was not paid before the delinquency date set by the applicable section of Tax Code, Chapter 31;

(5) No lawsuit has been filed in district court regarding the property for the same issue for the same tax year; and

(6) The request for RBA is timely filed pursuant to Tax Code, §41A.03, using the comptroller-prescribed form.

(c) Contiguous tracts. If the request for RBA involves contiguous tracts of land pursuant to Tax Code, §41A.03(a-1), each tract of land and ARB order must separately meet the requirements of subsection (b) of this section, except that a single arbitration deposit is required. The combined total value of all ARB orders appealed may exceed the $5 million threshold requirement in subsection (b)(1) of this section as long as each individual tract is valued at $5 million or less or has a residence homestead exemption. If the appraisal district indicates two or more tracts are not contiguous during its review of the property accounts subject to the request, the property owner may select the single or contiguous tracts that will be arbitrated during the 45-day settlement period. Otherwise, the arbitrator that accepts the appointment will move forward with the single or contiguous tracts that contain the property with the highest appraised or market value.

(d) Requests for in-county or out-of-county arbitrators. A property owner or the property owner's agent may request that the comptroller appoint an arbitrator for RBA who resides in the county in which the property that is the subject of the appeal is located or an arbitrator who resides outside that county. In appointing an initial arbitrator, the comptroller shall comply with the request of the property owner unless there is not an available arbitrator who resides in the county in which the property that is the subject of the request is located. In appointing a substitute arbitrator, the comptroller shall consider but is not required to comply with the request. This does not authorize a property owner to request the appointment of a specific individual as an arbitrator.

(e) Impact of LBA award on RBA request. If a property owner is granted a new ARB hearing as a result of an LBA award and the property owner has a pending request for RBA based on the same ARB proceedings that were at issue in the LBA, the property owner and appraisal district shall promptly notify the comptroller. The pending request for RBA will be considered withdrawn or dismissed for lack of jurisdiction, depending on its current status. The deposit shall be either paid to the arbitrator or refunded according to §9.4209 or §9.4244 of this title. This shall not impact the property owner's ability to file a new request for RBA based on a subsequent ARB order.

(f) Appeal by Lessee. A lessee may appeal only if the property owner does not appeal the ARB order. If both the property owner and the lessee appeal the ARB order, the right of appeal is revoked from the lessee. The deposit refund less the $50 comptroller administrative fee shall be either paid to the arbitrator or refunded according to §9.4209 or §9.4244 of this title.

§9.4244. Dismissal for Lack of Jurisdiction.

(a) Reasons for dismissal. For requests for RBA filed under Tax Code, §41A.01, the arbitrator shall dismiss with prejudice a pending request for RBA for lack of jurisdiction, if:

(1) except as allowed by Tax Code, §41A.10, taxes on the property subject to the appeal are delinquent because for any prior year, all property taxes due have not been paid or because, for the year at issue, the undisputed tax amount was not paid before the delinquency date set by the applicable section of Tax Code, Chapter 31;

(2) an ARB hearing was not held, or an ARB order was not issued, for the property for the indicated tax year;

(3) [~~(2)~~] the ARB order(s) appealed did not determine a protest filed pursuant to Tax Code, §41.41(a)(1), concerning the appraised or market value, or Tax Code, §41.41(a)(2), concerning unequal appraisal of the property;

(4) [~~(3)~~] the appraised or market value of the property as determined in the ARB order was [~~either~~] more than $5 million and [~~or~~] the property did not qualify as the property owner's residence homestead under Tax Code, §11.13;

(5) [~~(4)~~] the request for RBA was filed after the deadline established in Tax Code, §41A.03, which requires submission by not later than the 60th calendar day after the date the property owner or the property owner's agent receives the ARB order determining the protest;

(6) [~~(5)~~] the property owner or the property owner's agent filed an appeal with the district court under Tax Code, Chapter 42, concerning the value of the same property in the same tax year that is at issue in the pending RBA;

(7) [~~(6)~~] the property owner or the property owner's agent and appraisal district have executed a written agreement resolving the matter;

(8) [~~(7)~~] the request for RBA was not filed by the property owner or was filed by an agent without proper authority as described by Tax Code, §41A.08 and §9.4205 of this title; [~~or~~]

(9) [~~(8)~~] an LBA award rescinded the ARB order(s) under Tax Code, §41A.015(j)(2)(B);[~~.~~]

(10) the request for RBA was filed by the lessee and the property owner has an active appeal of the same ARB order; or

(11) the property that is the subject of the request for RBA was previously the subject of a request for RBA that resulted in an award by an arbitrator for the same tax year.

(b) Contiguous tracts. When an RBA proceeding is brought pursuant to Tax Code, §41A.03(a-1), involving two or more contiguous tracts of land, the arbitrator shall dismiss from the proceeding any tract of land for which subsection (a) of this section applies. If, after dismissal, two or more tracts are not contiguous, the property owner may select the single or contiguous tracts that will be arbitrated. Otherwise, the arbitrator will determine the single or contiguous tracts that contain the property with the highest appraised or market value.

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 May 4, 2026.

TRD-202601881
Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-2220

♦ ♦ ♦

CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER C. PROCUREMENT METHODS AND CONTRACT FORMATION

DIVISION 3. SPECIAL CONTRACTING METHODS

34 TAC §20.235

The Comptroller of Public Accounts proposes the repeal of §20.235, concerning purchase of motor vehicles.

The comptroller repeals §20.235(a) because it is a restatement of statute that was repealed by Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025.

The comptroller repeals §20.235(b) - (d) because they are out-of-date and simply restatements of statute that can now be found in Government Code, Chapter 2158.

The comptroller repeals §20.235(e) because the comptroller intends to include this provision in a new rule that will consolidate all rules regarding purchasing preferences.

While Senate Bill 1364, 89th Legislature, 2025 provides statutory authority for the repeal of §20.235(a), no legislation was enacted within the last four years that provides statutory authority for the repeal of §20.235(b) - (e).

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed repeal is in effect, the repeal: 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 not increase or decrease the number of individuals subject to the rule's applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed rule repeal would have no fiscal impact on the state government, units of local government, or individuals. The proposed repeal would benefit the public by conforming the rule to current statutory authority, eliminating outdated provisions, and improving the clarity and organization of the rule. There would be no anticipated economic cost to the public. The proposed repeal would have no fiscal impact on small businesses or rural communities.

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 repeal. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, May 19, 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=m30690aef2b195a074c61382b70849b9a. To join the meeting by computer or cell phone using the Webex app, use the access code 2496 317 4556 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 May 18, 2026.

This repeal is authorized by Government Code, §2158.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Government Code, Chapter 2158.

This repeal implements Government Code, Chapter 2158.

§20.235. Purchase of Motor Vehicles.

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 April 30, 2026.

TRD-202601856
Don Neal
General Counsel, Operations and Support Legal Services
Comptroller of Public Accounts
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 475-2220

♦ ♦ ♦

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 700. CHILD PROTECTIVE SERVICES

SUBCHAPTER P. SERVICES AND BENEFITS FOR TRANSITION PLANNING TO A SUCCESSFUL ADULTHOOD

DIVISION 3. TEXAS TUITION AND FEE WAIVER FOR YOUTH RETURNING TO A PARENT

40 TAC §700.1630

The Department of Family and Protective Services (DFPS) proposes to amend rule Title 40, Texas Administrative Code (TAC), Chapter 700, Subchapter P, Division 3, §700.1630, relating to the Texas Tuition Fee Waiver.

BACKGROUND AND PURPOSE

House Bill (HB) 1211 passed during the 89th Texas Legislature (Regular Session, 2025) amends Texas Education Code Section 54.366, which allows certain youth who have been in foster care to receive free tuition and fees at Texas public institutions of higher education. The bill extends the age of enrollment, and therefore, the time a student is allowed to qualify for free tuition and fees from no later than the student's 25th birthday to no later than the student's 27th birthday for tuition and fees charged for the 2025 fall semester and subsequent semesters. This proposed rule amendment will modify 40 TAC §700.1630, which concerns foster care youth who have returned to their parent, to align with this change.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §700.1630(c) increases the age when a foster care youth who has returned to a parent has to enroll in a Texas public institution of higher education to receive free tuition and fees from the student's 25th birthday to the student's 27th birthday for tuition and fees charged for the 2025 fall semester and subsequent semesters.

FISCAL NOTE

Lea Ann Biggar, *Chief Financial Officer,* has determined that for each year of the first five years that the section(s) will be in effect, there will not be fiscal implications to state government as a result of enforcing and administering the section(s) as proposed. There will be no effect on local government.

GOVERNMENT GROWTH IMPACT STATEMENT

DFPS has determined that during the first five years that the section(s) will be in effect:

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

(2) implementation of the amended rule will not affect the number of employee positions;

(3) implementation of the amended rule will not require an increase in future legislative appropriations;

(4) the amended rule will not affect fees paid to the agency;

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

(6) the amended rule will not expand, limit, or repeal an existing rule *(in the sense that those required to comply will be required to do less or more based on the proposal)*;

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

(8) the amended rule will not affect the state's economy.

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

Ms. Biggar has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as the rule does not apply to small or micro-businesses, or rural communities.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the section as proposed.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this amended rule because DFPS is exempt per subsection (c) of §2001.0045.

PUBLIC BENEFIT

Ms. Biggar has also determined that for each of the first five years that the rule is in effect, the public benefit from the adoption of the rule extends the age of enrollment from a student's 25th birthday to their 27th birthday, resulting in more students taking advantage of the free tuition and fees at Texas public institutions of higher education.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

DFPS invites comments on the proposed rule. DFPS requests information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis. To be considered, comments, questions, and information must be submitted no later than 30 days after the date of this issue of the *Texas Register*.

Electronic comments and questions may be submitted to Quyona Gregg, Policy Attorney at Quyona.Gregg@dfps.texas.gov or RULES@dfps.texas.gov. Hard copy comments may be submitted to the DFPS Rules Coordinator, Legal Services Sanjuanita Maltos, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030.

STATUTORY AUTHORITY

The amendments are proposed under Human Resources Code §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matter within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

Additionally, HB 1211 from the 89th Legislature, Regular Session amended Education Code Section 54.366 which requires rules that would allow a foster care child who is returned to their parent to receive a waiver of tuition and fees.

CROSS REFERENCE TO STATUTES

The proposed rule amendments implement Texas Education Code Section 54.366.

§700.1630. When can youth returning to a parent receive the Texas Tuition and Fee Waiver?

(a) The following populations are eligible for the Texas Tuition and Fee Waiver, regardless of whether parental rights are terminated or not:

(1) Youth age 14 or older who are in DFPS's permanent managing conservatorship on or after the effective date of this rule, and who subsequently exit conservatorship to the legal responsibility of a parent.

(2) Youth age 16 or older who are in DFPS's temporary managing conservatorship on or after the effective date of this rule, and who subsequently exit conservatorship to the legal responsibility of a parent.

(b) If after exiting the foster care system the youth returns to DFPS conservatorship, the youth's eligibility will be based on their current foster care circumstances.

(c) The student must enroll in an institution of higher education as defined by Texas Education Code §61.003 not later than the student's 27th [~~25th~~] birthday to receive the Texas Tuition and Fee Waiver for tuition and fees charged for the 2025 fall semester and subsequent semesters.

(d) The student must meet any other applicable statutory requirement concerning the Texas Tuition and Fee Waiver for students exempted by Texas Education Code §54.366.

(e) This rule is applicable beginning with tuition and fees charged at a Texas public institution of higher education as defined by the Texas Education Code §61.003 for the 2016 fall semester.

(f) The term parent means a biological parent or an adoptive parent.

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 April 28, 2026.

TRD-202601831
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 945-5978

♦ ♦ ♦

TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 7. RAIL FACILITIES

SUBCHAPTER H. SHORT LINE RAILROAD IMPROVEMENT STATE FUND PROGRAM

43 TAC §§7.160 - 7.173

The Texas Department of Transportation (department) proposes the new §§7.160 - 7.173; concerning the Short Line Railroad Improvement State Fund Program.

EXPLANATION OF PROPOSED NEW SECTIONS

New §§7.160 - §7.173, contained in new Subchapter H of Chapter 7, describe the policies and procedures for the implementation and administration of the Short Line Railroad Improvement State Fund Program ("program") as authorized by Senate Bill (S.B) 2366, 89th Legislature, Regular Session, 2025 and codified as Transportation Code, §201.981.

New §7.160, Purpose, states the purpose of the new subchapter.

New §7.161, Definitions, defines the terms used in the new subchapter.

New §7.162, Program Eligibility, sets criteria a project must meet to be eligible for the program. This includes the statutory criteria that the project must (1) be for the replacement of short line railroad tracks or bridges, the improvement of short line rail capacity, or the restoration of short line railways, (2) increase public safety, enhance economic development, or reduce traffic, and (3) be sponsored by a rural rail district that owns or operates the short line railroad and has authority to undertake the project and to enter the required grant agreement. In order to maximize efficiency and use of available funds, the project must also constitute a logical, self-contained unit of work that can be constructed as an independent project whether it is proposed as an independent project or as a part of a larger transportation project.

New §7.163, Funding and Eligible Costs, sets the allowable costs under the program. To maximize use of funding, allowable costs are limited to direct costs of eligible projects, including planning, detailed design activities, environmental, right of way acquisition, and utility adjustments. Elements that do not qualify for grant funds may be included in the project, but must be funded with non-program funds.

New §7.164, Non-State Funding Match, addresses the statutory requirement that at least 10% of total project costs must be provided by a source other than the state as matching funds, or, if the grant funds are to be used as matching funds for another grant, at least 10% of the amount used as matching funds must be provided by a source other than the state. The standard policies apply that the matching funds must be provided before the work begins and donated services may be used to reduce the cost of the project but do not constitute matching funds.

New §7.165, Call for Project Nominations, provides that projects will be selected through a competitive process in order to make the best use of available funding. If funding is available, a program call describing the required application contents will be published in the *Texas Register*.

New §7.166, Nomination Package, requires a project sponsor to submit project nominations in the form prescribed by the department. A complete nomination package must be received by the department by the deadline, or it will be deemed ineligible.

New §7.167, Project Evaluation Committee, requires the executive director to appoint a project evaluation committee consisting of department staff to make recommendations for the selection of projects funded under the program.

New §7.168, Nomination Screening, requires the project evaluation committee to screen each nominated project to determine its eligibility under statutory and regulatory requirements. It provides for notification if a project is found ineligible and for an appeals process.

New §7.169, Project Evaluation, requires the project evaluation committee to evaluate the benefits of eligible applications based on statutory requirements, the goals of the program, and specific selection criteria set forth in the program call. The department will provide the evaluation criteria with each program call.

New §7.170, Project Selection and Approval, requires the project evaluation committee to make recommendations for project selection to the department's Railroad Division director. The division director will make a final recommendation of selected projects to the Texas Transportation Commission (commission) for approval.

New §7.171, Project Implementation, requires the project sponsor and applicable railroad to comply with all applicable laws and regulations, including all applicable state procedures, requirements, and standards and specifications. An agreement between the state and the project sponsor is required, which must include the responsibilities and duties of the parties, local match

funding commitment, the scope and course of the project, and the maximum amount of available funding.

New §7.172, Elimination of Project from the Program, provides the department's executive director criteria for eliminating a project after selection. A project may be eliminated from the program if a project sponsor does not meet the requirements of the program, if a project sponsor chooses to withdraw, if significant deviations from the approved scope of work would be required, if construction has not been initiated within three years of project selection, or if the required agreement is not signed within one year after project selection.

New §7.173, Reporting to the Commission, requires the department to submit to the commission annually a report regarding project nominations and selected projects.

FISCAL NOTE

Stephen Stewart, chief financial officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Donald Franks, Rail Division director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Mr. Franks has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be increased safety and fluidity of the freight rail system and an improvement of highway congestion and travel time savings near project locations. The proposed rules will create economic development opportunities and allow unique projects that would otherwise be difficult to implement.

COSTS ON REGULATED PERSONS

Mr. Franks has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Franks has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

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

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

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

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would positively affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Mr. Franks has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the proposed new §§7.160 - 7.173. The information or comments must be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Financial Assistance for Rail." The deadline for receipt of the information or comments is 5:00 p.m. on June 15, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The new sections are proposed under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §201.981, which requires the commission to adopt rules as necessary to implement that section.

The authority for the proposed new sections is provided by S.B. 2366, 89th Regular Session 2025. The primary authors of that bill are Senators Bryan Hughes and Angela Paxton, and the primary sponsor of that bill is Representative Cole Hefner.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §201.981

§7.160. Purpose.

This subchapter prescribes the policies and procedures for the implementation and administration of the Short Line Railroad Improvement State Fund Program authorized by Transportation Code, §201.981.

§7.161. Definitions.

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

(1) Commission--Texas Transportation Commission.

(2) Department--Texas Department of Transportation.

(3) Director--Director of the department's Railroad Division.

(4) Executive director--The executive director of the department or the executive director's designee.

(5) Program--The Short Line Railroad Improvement State Fund Program.

(6) Project--a project that is eligible for funding under this subchapter.

(7) Project sponsor--An entity described by §7.162(b) of this subchapter (relating to Program Eligibility).

(8) Short line railroad--A Class II or Class III railroad as defined by the federal Surface Transportation Board.

§7.162. Program Eligibility.

(a) To be eligible for funding under the program, a project must:

(1) be for replacement of short line railroad tracks or bridges, improvement of short line rail capacity, or restoration of short line railways;

(2) increase public safety, enhance economic development, or reduce traffic; and

(3) constitute a logical, self-contained unit of work that can be constructed as an independent project whether it is proposed as an independent project or as a part of a larger transportation project.

(b) To be eligible to request funding under the program, the project sponsor must be a rural rail transportation district operating under Transportation Code, Chapter 172, that owns or operates a short line railroad, has authority to undertake the project, and has authority to enter into the agreement required under §7.171 of this subchapter (relating to Project Implementation).

§7.163. Funding and Eligible Costs.

(a) Funding under the program is subject to the Texas Grant Management Standards developed by the comptroller under the Government Code, Chapter 783.

(b) Planning, detailed design activities, environmental, right of way acquisition, and utility adjustments are eligible costs.

(c) A cost is not eligible for funding under the program if it was incurred before the department authorizes work to proceed under the agreement required under §7.171 of this subchapter (relating to Project Implementation).

(d) A project may include elements that are not eligible for funding under the program. Funds used to pay for those elements do not qualify as matching funds under §7.164 of this subchapter (relating to Non-State Funding Match).

§7.164. Non-State Funding Match.

(a) A local funding match provided by a source other than the state is required and at a minimum must comply with Transportation Code, §201.981(d).

(b) Except as provided by this section, the funding match required by this section must be cash provided by or through the project sponsor. The value of donated services will not be accepted as a funding match but may be used to reduce the overall cost of the project.

(c) The project sponsor must provide the funding match required by this section before the beginning of project activities for each phase of work.

§7.165. Call for Project Nominations.

(a) Projects will be selected for available program funding through a competitive process.

(b) The department will issue a notice of a program call for project nominations that is published in the *Texas Register*.

(c) The notice will include information regarding the required content of the nomination package, the procedures applicable to the program call, and the specific evaluation criteria to be used during the project selection process.

§7.166. Nomination Package.

(a) To nominate a project during a program call, the project sponsor must submit its nomination in the form prescribed by the department.

(b) The nomination package must present persuasive evidence of support for the proposed project from the affected communities and include a commitment to provide the non-state funding match required by §7.164 of this subchapter (relating to Non-State Funding Match).

(c) A complete nomination package must be received by the department not later than the specified deadline published in the *Texas Register*. A nomination package that fails to include any of the items specified in this section or the respective program call is considered to be incomplete and will not be considered for funding.

(d) The department may request supplemental information as needed to conduct project screening and evaluation.

§7.167. Project Evaluation Committee.

The executive director will appoint a project evaluation committee consisting of department staff to make recommendations for the selection of projects funded under the program.

§7.168. Nomination Screening.

(a) The project evaluation committee will screen each project nomination to determine whether the project is eligible for funding under the program and applicable federal and state law and whether it meets technical standards established by applicable law and accepted professional practice.

(b) The department will notify the project sponsor if a project nomination is determined to be ineligible and the reasons for the determination.

(c) A request for reconsideration of a finding of ineligibility may be initiated only by email or letter from the project sponsor to the director setting forth reasons in support of a finding of eligibility. The email or letter requesting reconsideration must be received by the director not later than the 15th day after the day that the project sponsor received the department's notification, as established by the return receipt.

(d) The determination of the director in response to the request for reconsideration is final.

§7.169. Project Evaluation.

The project evaluation committee will evaluate the public safety, economic development enhancement, and traffic reduction benefits, and any other benefit of each nominated project that is determined to be eligible under §7.168(a) of this subchapter (relating to Nomination Screening) based on the specific selection criteria set forth in the program call.

§7.170. Project Selection and Approval.

(a) The project evaluation committee will provide project selection recommendations and supporting documentation to the director.

(b) The director will review the recommendations and supporting documentation submitted by the committee and will select

projects for funding under the program based on recommendations from the project evaluation committee, consistent with the statutory requirements and the evaluation criteria.

(c) The director will recommend projects selected under subsection (b) of this section to the commission for approval.

(d) The department will notify the project sponsor whether the project was selected and approved for funding.

§7.171. Project Implementation.

(a) In undertaking a project, the project sponsor must comply with all applicable laws and regulations, including all applicable state procedures and requirements.

(b) All project sponsors must enter into with the department an agreement that:

(1) includes a commitment from the project sponsor for the required non-state funding;

(2) describes the total scope and course of project activities;

(3) states the maximum amount of the funding provided under this subchapter; and

(4) outlines the responsibilities and duties of the parties to the agreement.

(c) Before the department will fund any construction activities, the project sponsor must enter into the agreement required by subsection (b) of this section and demonstrate that required opportunities for public involvement have been provided and that all applicable environmental documentation has been completed.

(d) Any change to the scope of work specified in the selected nomination package must have the advance written approval of the executive director.

(e) The department is responsible for the inspection, final acceptance, and certification of a project.

§7.172. Elimination of Project from the Program.

The executive director may eliminate all or a part of a project from participation in the program if:

(1) the project sponsor fails to satisfy any requirement of this subchapter or the agreement required under §7.171 of this subchapter (relating to Project Implementation);

(2) implementation of the project would involve a significant deviation from the scope of work in the approved nomination package;

(3) the project sponsor withdraws from participation in the project;

(4) construction has not been initiated within three years after the date that the project was approved by the commission; or

(5) the agreement required under §7.171 of this subchapter (relating to Project Implementation) is not executed within one year after the date that the project was approved by the commission.

§7.173. Reporting to the Commission.

Annually, the department will submit a report to the commission on the project nominations and projects approved for funding.

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 April 30, 2026.

TRD-202601855
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 486-5815

♦ ♦ ♦

CHAPTER 30. AVIATION
SUBCHAPTER C. AVIATION FACILITIES DEVELOPMENT AND FINANCIAL ASSISTANCE RULES

43 TAC §§30.202, 30.203, 30.206, 30.210

The Texas Department of Transportation (department) proposes the amendments to §§30.202, 30.203, 30.206, and 30.210 concerning aviation facilities development and financial assistance.

EXPLANATION OF PROPOSED AMENDMENTS

House Bill 4520, 89th Legislature, Regular Session, 2025 amended §21.105(b), Transportation Code, to provide that for a loan or grant for an airport located in an economically disadvantaged county, 5% of the total project cost, rather than 10%, must be provided by sources other than the state. The bill also repealed §21.114(b) of the Transportation Code, which results in the declaration that the department serves as the agent for federal funds for general aviation airports, including reliever airports. The Federal Aviation Administration no longer funds reliever airports separately from general aviation airports. H.B. 4520 brings the statute in line with the State Block Grant Program agreement.

Amendments to §30.202, Scope of the Rules, remove "nonreliever," with the effect that Chapter 30, Subchapter C, applies for all general aviation airports in accordance with the amendments made by H.B. 4520.

Amendments to §30.203, Definitions, delete the operative provisions in the definition of "grant." Those provisions are moved to §30.206, which provides the requirements applicable to grants and loans. The amendments also make a nonsubstantive clarifying grammatical change in paragraph 14 of the section.

Amendments to §30.206, Amount of Grant or Loan, move the matching requirements for grants from the definition of grant and modify those requirements in accordance with the changes in law made by H.B. 4520. The provision allows the Texas Transportation Commission (commission) to award a grant of up to 95% of eligible project costs if the airport is located in an economically disadvantaged county. The amendments also make nonsubstantive clarifying grammatical changes in subsections (a) and (d) of the section.

Amendments to §30.210, Intergovernmental Agreements, substitute a reference to §30.206 in the description of the terms and conditions of intergovernmental agreements in the place of the percentage numbers that set the limits of matching requirements for financial assistance, as expressed in §30.206. The substitution eliminates redundancy and the potential for discrepancy between the percentages in the two sections. The amendments also make nonsubstantive clarifying grammatical changes in subsections (b)(4), (d)(9), and (e) of the section.

FISCAL NOTE

Stephen Stewart, chief financial officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Dan Harmon, director, Aviation Division, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Mr. Harmon has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be to enhance general aviation airport improvements by reducing the local match to five percent, making state grant funding more accessible for general aviation airports located in economically disadvantaged counties.

COSTS ON REGULATED PERSONS

Mr. Harmon has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harmon has considered the requirements of Government Code, §2001.0221, and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

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

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

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

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Mr. Harmon has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the amendments to §§30.202, 30.203, 30.206, and 30.210. The information or comments must be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Aviation Facilities Development and Financial Assistance." The deadline for receipt of the information or comments is 5:00 p.m. on June 15, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department.

The authority for the proposed amendments is provided by H.B. 4520, 89th Regular Session, 2025. The primary author and the primary sponsor of that bill are Representative Armando Martinez and Senator Robert Nichols, respectively.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, Chapter 21, Subchapter C

§30.202. Scope of the Rules.

This subchapter shall apply to all requests for federal financial assistance for [~~nonreliever~~] general aviation airports and for state financial assistance for the construction, enlargement, repair, or planning of airports or air navigational facilities. This subchapter shall not be construed or interpreted so as to abridge, enlarge, modify, or otherwise change the authority of the commission or the substantive rights of any person.

§30.203. Definitions.

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

(1) Airport--An area of land that is designated for the landing and takeoff of aircraft.

(2) Airport hazard--Any structure, flora, or use of land which obstructs the airspace required for the flight of aircraft in landing or takeoff at any airport or is otherwise hazardous to such landing or takeoff of aircraft. For further definition, see the Local Government Code, §§241.001 et seq.

(3) Airport Project Participation Agreement--An intergovernmental agreement between the department and the sponsor which grants financial assistance.

(4) Aviation Advisory Committee--The committee appointed under Transportation Code, §21.003.

(5) Aviation Facilities Capital Improvement Program (CIP)--A multi-year capital improvement program, prepared by the

division and approved by the commission which identifies projects to be considered for financial assistance.

(6) Commission--The Texas Transportation Commission.

(7) Department--The Texas Department of Transportation.

(8) Director--The director of the Aviation Division of the Texas Department of Transportation.

(9) Division--The Aviation Division [~~aviation division~~] of the Texas Department of Transportation.

(10) Emergency--A situation or condition at a general aviation airport which requires immediate attention due to an existing unsafe condition. The condition should be of sufficient concern to require the filing of a Notice to Airman with the Federal Aviation Administration under FAA Order 7930.2E until the safety concern has been resolved.

(11) Executive director--The executive director of the Texas Department of Transportation.

(12) Grant--An offer of financial assistance of state or [~~and/or~~] federal funds to improve, repair, upgrade, or add to an airport included in the Texas Airport System Plan. [~~A grant with federal funds requires a match of 10% from state and/or local funds. A grant with state funds must be matched with at least 10% local funds.~~]

(13) Hazard zoning--Zoning pursuant to the provisions of the Local Government Code, §§241.001 et seq., for the purpose of protecting the aerial approaches to an airport.

(14) Intergovernmental Agreement--A formal written agreement between the sponsor and the division, specifying the duties and obligations of the department and the sponsor, and the terms and conditions of a grant of state and [~~and/or~~] financial assistance. The department enters into [~~issues~~] two types of aviation intergovernmental agreements, an airport project participation agreement and a loan agreement [~~titled Airport Project Participation Agreement and Loan Agreement~~].

(15) Letter of intent [~~Intent~~]--The sponsor's formal commitment to proceed with an airport improvement project, signed by the chief elected official, including a description and cost estimate of the project, and accompanied by a resolution adopted by the sponsor's governing body indicating the sponsor's willingness to participate in the local share of project costs.

(16) Letter of interest--A preliminary statement submitted by a sponsor to indicate the sponsor's desire to be included in the program and to provide a basis for programming available funds.

(17) Loan--An intergovernmental agreement between the department and a sponsor which provides state financial assistance to be repaid to the department at a specific interest rate and over a specific time period.

(18) Local funds--Cash, in-kind contributions, or force account work remitted by a local airport sponsor as its share of project costs for an airport development project.

(19) Program--The Texas Aviation Facilities Development Program, which includes the administration of federal Airport Improvement Program grants to general aviation airports, and state grants and loans.

(20) Project--Design and construction of improvements to, or planning of, an airport or air navigational facility as part of the program.

(21) Sponsor--Any eligible state agency or governmental entity seeking state or federal aid under the program.

(22) Staff--Employees of the aviation division of the Texas Department of Transportation.

§30.206. Amount of Grant or Loan.

(a) Grant. The commission may award for an airport that is eligible for state financial assistance a grant for costs of an eligible project. A grant of federal funds must be matched with at least 10% of state or local funds or a combination of state and local funds. A grant of state funds must be matched with at least 10% of local funds or 5% of local funds, if the airport is located in an economically disadvantaged county, as defined by Transportation Code, §222.053 [~~of up to 90% of the eligible project costs~~]. If federal funds are used on the project, the commission may participate by funding up to 50% of the sponsor's share of the project costs eligible for federal funding. A sponsor's share shall be remitted in cash for planning and construction projects, unless an exception is granted by the director. If an exception is granted, the value of any eligible in-kind contributions, as shall be determined by the division, may be included as part of the sponsor's share. For property acquisition projects, the sponsor shall initially bear all costs of property acquisition and shall be reimbursed by state and [~~and/or~~] federal funds in the appropriate granted percentages for the eligible approved costs after division approval of all necessary documentation provided by the sponsor. The director may grant an exception for property acquisition projects to allow cash remittance from the sponsor for the property acquisition costs.

(b) Loans. The commission may make a loan of up to 90% of the cost of a project. All loans shall bear an interest rate of at least 3.0% per annum and have a term of not longer than 20 years. Loans shall be made in lieu of grants whenever feasible, and, in particular, in lieu of grants for revenue-producing improvements.

(c) Amount. The amount of a grant or loan made by the state at one location may be limited by the commission.

(d) Exceptions. The director may grant exceptions provided under subsection (a) of this section if the director [~~he or she~~] determines such action to be in the best interest of the state to ensure adequate local financial participation.

§30.210. Intergovernmental Agreements.

(a) Purpose. The purpose of an agreement between the sponsor and the department is to define the respective responsibilities of the sponsor and the department in implementing the project and to define the requirements, terms, conditions, type of funds, and considerations attendant upon each party to the agreement. Prior to the disbursement of any funds by the department, the sponsor shall execute the agreement in a manner provided by law for entering into binding contractual agreements.

(b) Airport Project Participation Agreement (APPA). Except as provided in subsection (c) of this section, when the commission has approved a sponsor's request for financial assistance, the APPA:

(1) shall name the department as agent for the purpose of applying for, receiving, and disbursing federal funds, if applicable;

(2) may name the department as agent for the purpose of contracting for and supervising the planning, acquisition, development, and construction of the airport project;

(3) may provide for the department to receive and disburse the local sponsor's share of project costs;

(4) shall provide a general description of the proposed project, the amount of state, federal, and [~~and/or~~] local sponsor project share, and the total estimated cost;

(5) shall include, as a separate attachment, an attorney's certificate of airport property interests title if necessary; certification of availability of sponsor share; and existence of an airport fund; and

(6) shall include a list of both the sponsor's and the state's responsibilities.

(c) Loan agreement. Where the commission has offered financial assistance to a sponsor in the form of a loan, the sponsor and the department shall enter into a loan agreement defining the consideration, the terms, and conditions under which the loan will be made, and the responsibilities of the sponsor. The loan agreement shall:

(1) provide a general description of the proposed project, the amount of state funds to be loaned, and the estimated total project costs;

(2) provide the length of the loan and amount of simple interest, along with the schedule of payments;

(3) include an attorney's certificate of airport property interests title as a separate attachment;

(4) disclose the source of all funds for the project;

(5) certify that the sponsor has the ability to finance and operate the airport or air navigational facility; and

(6) include other provisions and terms as deemed necessary by the department.

(d) Covenants, terms, and conditions. In addition to all other requirements imposed by law or by this subchapter, all intergovernmental agreements made by the department shall be subject to the following terms and conditions and any additional terms and conditions necessary to effectuate the program.

(1) The term of the agreement shall be no longer than 20 years from the date of a sponsor's acceptance.

(2) The airport or navigational facility shall remain under the sponsor's control during the term of the grant or loan agreement.

(3) The [~~At least 10% of the~~] total project cost will be provided from sources other than the state in accordance with §30.206 of this subchapter (relating to Amount of Grant or Loan).

(4) The airport or navigational facility shall be maintained by the sponsor in a safe and serviceable condition during the term of the agreement.

(5) Consistent with safety and security requirements, a sponsor shall make the airport or navigational facility available to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes and shall provide adequate public access during the term of the agreement.

(6) The sponsor shall not grant or permit another to exercise an exclusive right for the conduct of any aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to, scheduled airline flights, charter flights, flight instruction, aircraft sales, rental, and repair; sale of aviation petroleum products, and aerial application. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting, and navigational aids.

(7) Property interests identified in the agreement and an attorney's certificate of airport property interests [~~Airport Property Interests~~] shall be pledged to airport use and shall not be removed from such use without prior written approval by the commission.

(8) A sponsor, if requested by the division, shall submit to the division annual statements of airport or air navigational facility revenues and expenses.

(9) All fees collected for use of an airport or navigational facility constructed with funds provided under the program shall be reasonable and nondiscriminatory. The proceeds of such fees shall be used solely for the development, operation, and maintenance of the airport or navigational facility. A sponsor, however, shall not be required to pledge income received from the mineral estate to airport use unless state and [~~and/or~~] federal funds were used to acquire the mineral estate or any interest therein.

(10) All development of an airport constructed with program funds shall be consistent with the airport layout plan approved by the staff and maintained by the sponsor. A reproducible copy of such plan, and all subsequent modifications thereto, shall be filed with the division for approval by the staff.

(11) Following completion of a project where airport lighting is part of the project, the sponsor shall operate such lighting from sunset to sunrise either manually or by radio control.

(12) The department shall not be a party to any contract or commitment outside of the mutually agreed upon contracts, which a sponsor may enter into or assume in carrying out a project.

(13) A sponsor shall adopt and enforce airport hazard zoning regulations to restrict the use of land, adjacent to or in the immediate vicinity of the airport, to activities compatible with normal airport operations. A sponsor shall also acquire and retain easements or other interests in, or rights to, the use of land or airspace unless a sponsor can show the acquisition and retention of such interest will be impractical or will result in undue hardship to a sponsor. No sponsor shall be eligible for a subsequent grant or loan under the program unless the sponsor has adopted and has, as called upon to do so, enforced the airport zoning ordinance/order approved by the division.

(14) Unless the division has given prior written exception, a sponsor shall not enter into any agreement nor permit any aircraft to gain direct ground access to or from the sponsor's airport from private property adjacent to or in the immediate area of the airport, a practice commonly known as a "through the fence operation."

(e) Amendments and cancellation. A major amendment to or cancellation of a grant or loan requires majority vote of the entire commission. Minor amendments to a grant or loan agreement may be made by the director at the director's [~~his~~] discretion. The director shall determine what constitutes a major or minor amendment. The sponsor may appeal the director's determination to the commission by filing with the executive director a written statement of its specific objections. The executive director shall forward the statement of appeal to the commission. The commission shall make a final decision as to whether the amendment is major or minor.

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 April 30, 2026.

TRD-202601854
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 416-4560

♦ ♦ ♦

SUBCHAPTER F. METEOROLOGICAL EVALUATION TOWERS

43 TAC §30.502, §30.503

The Texas Department of Transportation (department) proposes the amendments to §30.502 and §30.503 concerning Meteorological Evaluation Towers.

EXPLANATION OF PROPOSED AMENDMENTS

House Bill (H.B.) 2898 89th Legislature, Regular Session, 2025 amended Transportation Code, §21.071, relating to the requirements for certain meteorological evaluation towers.

Amendments to §30.502, Definitions, change the definition of "meteorological evaluation tower" by increasing the diameter at the base of a structure included within the definition from 6 to 12 feet and add a definition of "military aviation training facility."

Amendments to §30.503, Notice and Registration, reflect that not later than the 30th day after the date the department receives notice of a person's intent to erect a meteorological evaluation tower under §30.502, the department will notify each federally owned or operated radar installation or military aviation training facility in this state whose boundaries are within 50 nautical miles of the tower, the county judge of each county in this state that contains a radar installation or military aviation training facility, and the county judge of each county in this state within 25 miles of a radar installation or military aviation training facility.

FISCAL NOTE

Stephen Stewart, chief financial officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or Texas Transportation Commission's (commission) enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Dan Harmon, Aviation Division director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Mr. Harmon has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be enhanced awareness of meteorological evaluation tower locations and enhanced safety for low-altitude training routes near military bases and national airspace.

COSTS ON REGULATED PERSONS

Mr. Harmon has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and, therefore, Government Code, §2001.0045 does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harmon has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

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

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

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

(5) it would not create a new regulation;

(6) it would expand an existing regulation, as required by statute;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Mr. Harmon has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the amendments to §30.502 and §30.503. The information or comments must be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Meteorological Evaluation Towers." The deadline for receipt of the information or comments is 5:00 p.m. on June 15, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §21.071, which requires the department to adopt rules related to the notice and registration of meteorological evaluation towers.

The authority for the proposed amendments is provided by H.B. 2898, 89th Regular Session, 2025. The primary author and the primary sponsor of that bill are: Representative James Frank and Senator Brent Hagenbuch, respectively.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §21.071

§30.502. Definitions.

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

(1) Department--The Texas Department of Transportation.

(2) Meteorological Evaluation Tower--A structure that is self-standing or supported by guy wires and anchors, is not more than 12 [~~six~~] feet in diameter at the base of the structure, and has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted for the purpose of documenting whether a site has sufficient wind resources for the operation of a wind turbine generator. For purposes of this subchapter, the term does not include a structure that is located adjacent to a building, including a barn, or an electric utility substation, or in the curtilage of a residence.

(3) Military aviation training facility--A base, station, fort, or camp at which any branch of the United States armed forces regularly conducts aviation training.

§30.503. Notice and Registration.

(a) A person who intends to erect a meteorological evaluation tower shall provide notice of that intention to the department by submitting the appropriate form through the department's internet website. The notice required by this subsection must be submitted no later than the 30th day before the day that erection of the tower begins.

(b) The following information is required to complete the notice form required by subsection (a) of this section:

(1) the name, address, and contact information of the owner or operator of the meteorological evaluation tower;

(2) the proposed location of the meteorological evaluation tower, including latitude, longitude, ground elevation at the site, and height above ground level of the tower;

(3) the proposed date of construction; and

(4) any other information the department considers necessary to assist in determining ownership, physical characteristics, or location of the meteorological evaluation tower.

(c) A person who owns or operates a meteorological evaluation tower shall register the tower with the department by submitting the appropriate form through the department's internet website. For a tower erected after September 1, 2025, [~~The~~] registration [~~required by this subsection~~] must be completed before the 30th day after the day that erection of the tower begins [~~or February 29, 2016, whichever is later~~].

(d) The following information is required to complete the registration form required by subsection (c) of this section:

(1) the name, address, and contact information of the owner or operator of the meteorological evaluation tower;

(2) the location of the meteorological evaluation tower, including latitude, longitude, ground elevation at the site, and height above ground level of the tower;

(3) if the meteorological evaluation tower is at least 50 feet but not more than 200 feet in height above ground level, an affirmation that the tower complies with the requirements applicable to the tower under Transportation Code, §21.071; and

(4) any other information the department considers necessary to assist in determining ownership, physical characteristics, or location of the meteorological evaluation tower.

(e) The person who is responsible for filing a form required by subsection (a) or (c) of this section shall amend the filed information as necessary to maintain the accuracy of that information.

(f) Within 30 days after the date of receipt of a notice of intent to erect a meteorological evaluation tower, the department will provide a copy of the notice to:

(1) each federally owned or operated radar installation or military aviation training facility in this state the boundaries of which are within 50 nautical miles of the tower; and

(2) the county judge of each county in this state:

(A) that contains a radar installation or military aviation training facility described by paragraph (1) of this subsection; or

(B) the nearest boundary of which is within 25 miles of a radar installation or military aviation training facility described by paragraph (1) of this subsection.

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

Filed with the Office of the Secretary of State on April 30, 2026.

TRD-202601853
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: June 14, 2026
For further information, please call: (512) 416-4560

♦ ♦ ♦

WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 173. OFFICE-BASED ANESTHESIA SERVICES

SUBCHAPTER B. PARENTERAL KETAMINE THERAPY

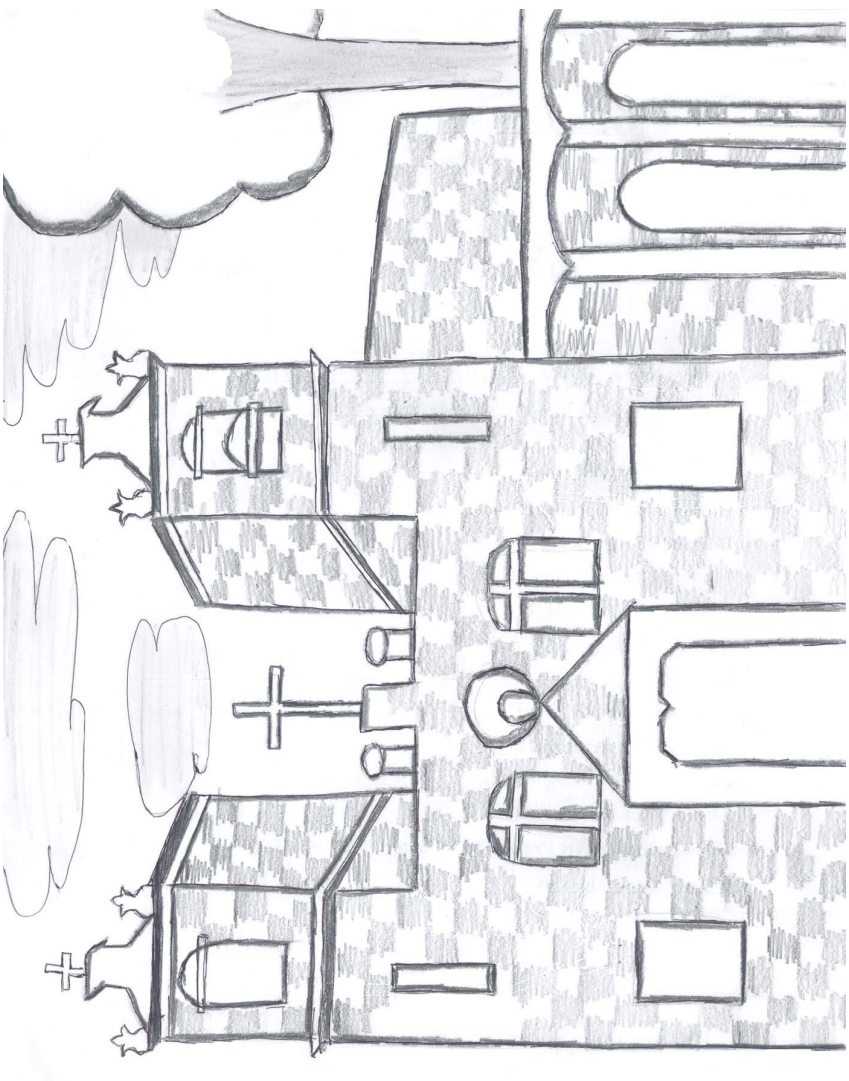
22 TAC §§173.6 - 173.15

The Texas Medical Board withdraws proposed new §§173.6 - 173.15 which appeared in the January 2, 2026, issue of the *Texas Register* (51 TexReg 25).

Filed with the Office of the Secretary of State on May 4, 2026.

TRD-202601882
Scott Freshour
General Counsel
Texas Medical Board
Effective date: May 4, 2026
For further information, please call: (512) 305-7059

♦ ♦ ♦



ADOPTED RULES

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

TITLE 1. ADMINISTRATION

PART 3. OFFICE OF THE ATTORNEY GENERAL

CHAPTER 53. MUNICIPAL SECURITIES

SUBCHAPTER A. APPROVAL OF MUNICIPAL SECURITIES BY ATTORNEY GENERAL

1 TAC §53.2, §53.16

The Office of the Attorney General (OAG) adopts amendments to §53.2 and §53.16 in Title 1 of the Texas Administrative Code (TAC), relating to the form of records and submission and approval of public finance transcripts, without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 7963). The rules will not be republished.

EXPLANATION AND JUSTIFICATION OF RULES

During the 89th Regular Session (2025), the Legislature passed House Bill 4395 (H.B. 4395), effective January 1, 2026. H.B. 4395 amends Chapter 1202 of the Texas Government Code by adding Section 1202.0035, which requires (1) issuers of public securities to submit bond transcripts, including public securities, records or proceedings, credit agreements, and amendments thereto, to the OAG electronically and accompanied by an electronic signature, and (2) the OAG to deliver certain records related to the approval of those securities to the Texas Comptroller of Public Accounts (Comptroller) electronically and accompanied by an electronic signature. H.B. 4395 also requires the OAG to advise the proper legal authorities of the new statutory requirements and any other procedural changes to the submission and registration of public securities by December 1, 2025.

The adopted amendments to §53.2 and §53.16 establish the Texas Transcript Repository (TTR) system developed by the Comptroller in coordination with the Public Finance Division of the OAG (Division) as the database to which issuers will be required to submit and which will house records of proceedings (or transcripts) and related records. The adopted amendments also establish procedures and requirements for submission to the TTR system and make other changes consistent with the transition from paper to electronic records.

SECTION-BY-SECTION SUMMARY

The adopted amendments to §53.2 establish the TTR database, maintained by the Comptroller, as the location where issuers must file records of proceedings (or transcripts) and specify related formatting requirements. The adopted amendments eliminate formatting and submission requirements related to paper transcript submissions, renumber the subsections accordingly, and update language to align with plain language standards. The adopted amendments require that the transcripts be filed in an electronic format and accompanied by an electronic signature. Adopted §53.2 clarifies that "transcript" and "record of proceedings" are functionally interchangeable. It also requires each transcript to be submitted as a series of files in Portable Document Format (PDF), and each file name must begin with a unique sequential number followed by the title or a description of the document. Adopted §53.2(2) requires each transcript to contain a table of contents that lists, for each document, the title or description and the unique number from the file name assigned to that document. Adopted new §53.2(4) requires each line of each document to be entirely legible. Adopted new §53.2(5) requires the text of each document to be searchable. Adopted new §53.2(6) requires issuers to email the Division proof of payment of the required filing fee and, when appropriate, a table showing voted bond authorization in a specified format.

Adopted amendments to §53.16 conform references to the Division across the section. Adopted §53.16(a) clarifies that "transcript" and "record of proceedings" are functionally interchangeable. Adopted §53.16(e) requires all outstanding requirements for final approval and the final versions of documents originally submitted in unexecuted or uncertified form to be submitted in an electronic format and accompanied by an electronic signature via the TTR system. Adopted §53.16(f) provides that the Division will notify the Comptroller of approval of public securities. The adopted amendments eliminate submission requirements related to paper or fax submissions, renumber the subsections accordingly, and update language to align with plain language standards. Adopted §53.16(k) replaces the return of transcripts process with a cancellation for transcripts on file with the Division for six months with no action.

PUBLIC COMMENTS

The proposed amendments were published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 7963). The public comment period was subsequently extended (51 TexReg 419) and closed on February 10, 2026. The OAG received one set of comments, submitted by Bracewell LLP. The public comments are summarized below.

Comment: §53.2(4) Legibility Requirement

Bracewell objected to the requirement that each line of each document must be entirely legible. Bracewell explained that transcripts often include documents created by third parties or historical documents, and it may be impossible for an issuer to provide an entirely legible version of every line of every document.

OAG Response: The OAG recognizes that complete legibility of every historical line in older archival materials is not always feasible. However, the OAG declines to make changes in response to this comment. For historical or third-party documents

that cannot be provided with each line entirely legible, the issuer may request a waiver under 1 TAC §53.21 upon a showing of good cause. This existing waiver authority provides appropriate flexibility for the rare instances in which a document is necessary but only partially legible.

Comment: Proposed §53.2(5) Searchable Text Requirement

Bracewell requested that the requirement that the text of each document must be searchable be limited only to documents produced by the issuer and contemporaneous with the current transaction. Bracewell argued that some older or third-party documents cannot be made searchable, and that attempting to render them searchable may degrade legibility or result in the creation of a document different from the original.

OAG Response: The OAG declines to make changes in response to this comment. The requirement that documents be submitted in a searchable format is essential to the efficient review of transcripts and reflects established submission practices. For older or third-party documents that cannot be made searchable without compromising legibility or altering the original content, the issuer may request a waiver under 1 TAC §53.21 upon a showing of good cause. The existing waiver process provides adequate flexibility to address the circumstances described in the comment.

Comment: §53.2(6)(B) Excel Table of Voted Authorization

Bracewell requested deletion of §53.2(6)(B), stating that the information is already required under §53.3(a)(2)(J) and therefore imposes a duplicative administrative burden.

OAG Response: The OAG declines to delete §53.2(6)(B). While §53.3(a)(2)(J) requires disclosure of voted authorization information in the authorizing document, that provision applies only to information appearing in the transcript itself (e.g., recitals in a bond order). Section 53.2(6)(B) serves a separate and necessary administrative function. It requires that the same information be emailed to the OAG in Excel format at the time a transcript is submitted. Because documents uploaded to TTR must be PDF files, the Excel format submission allows OAG staff to efficiently verify calculations and confirm remaining authorization. The requirement therefore serves a distinct purpose and is not duplicative.

STATUTORY AUTHORITY

The amendments to 1 TAC Chapter 53 are adopted pursuant to Texas Government Code §1202.0035, which requires electronic submission and delivery of public securities and related records.

CROSS-REFERENCE TO STATUTE.

These rules clarify Texas Government Code §§1202.003-1202.0035. No other rule, regulation, or law is affected by the adopted rule amendments.

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

Filed with the Office of the Secretary of State on May 4, 2026.

TRD-202601903

Justin Gordon
General Counsel
Office of the Attorney General
Effective date: May 24, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 475-3210

♦ ♦ ♦

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER AA. COMMISSIONER'S RULES ON COLLEGE AND CAREER READINESS

19 TAC §74.1005

The Texas Education Agency adopts an amendment to §74.1005, concerning college and career funding and reimbursements. The amendment is adopted with changes to the proposed text as published in the January 16, 2026 issue of the *Texas Register* (51 TexReg 268) and will be republished. The adopted amendment updates language concerning college and career related assessment reimbursements as required by House Bill (HB) 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, and makes technical edits for clarification and consistency.

REASONED JUSTIFICATION: Texas Education Code (TEC), §48.106, establishes a weighted annual allotment for approved career and technical education (CTE) courses, and TEC, §48.155 and §48.156, establish college preparation assessments and certification examinations for which school districts may receive reimbursements.

Section 74.1005 describes the eligibility of school districts and charter schools to receive CTE weighted funding under TEC, §48.106. The rule also details school district eligibility for reimbursements for college preparation assessments and certification examinations, as allowed under TEC, §48.155 and §48.156.

HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, updated provisions related to allotments and reimbursements. To implement the legislation, the following changes have been made.

The adopted amendment removes New Tech Network campuses from eligibility for allotment funding, adds a career readiness assessment to the list of assessments for which districts may receive reimbursement, and increases the number of industry-based certification (IBC) examinations eligible for reimbursement per student.

Additional technical edits were made for clarification and consistency throughout the rule.

The following changes were made to the rule at adoption based on public comment. Subsection (c)(1)(C) was revised to align with subsection (c)(5) and clarifies that a district is eligible for reimbursement for a student's first and second industry-based certification examinations, consistent with the statutory limit of up to two reimbursable examinations per student. The term "re-

quired" was added before "primary assessments(s)" in subsection (c)(4)(A) to make clear that all required assessments are eligible for reimbursement.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began January 16, 2026, and ended February 16, 2026. Following is a summary of public comments received and agency responses.

Comment: An administrator and The Commit Partnership noted that §74.1005(c)(1)(C) did not accurately reflect the limitation outlined in §74.1005(c)(5), which permitted reimbursement for up to two industry-based certification examinations per student. The commenters recommended that the language be updated to clarify that both the first and second examinations reported would be eligible for reimbursement, ensuring consistency between the provisions and preventing confusion regarding eligibility and reporting.

Response: The agency agrees and has revised §74.1005(c)(1)(C) to align with §74.1005(c)(5) by clarifying that a district is eligible for reimbursement for a student's first and second industry-based certification examinations, consistent with the statutory limit of up to two reimbursable examinations per student.

Comment: ACT, Inc., explained that earning the ACT WorkKeys National Career Readiness Certificate requires three tests--Applied Math, Workplace Documents, and Graphic Literacy--which are not optional and must all be taken. ACT, Inc., asked that these required tests be counted as "primary assessments" for reimbursement, since the current wording about "subject area tests" could cause confusion and lead districts to think these essential assessments are not eligible.

Response: The agency agrees that specifying required assessments will make the rule clearer and has added the term "required" before "primary assessments(s)" in §74.1005(c)(4)(A).

Comment: The Commit Partnership requested clarification regarding the application of the $150 per student allotment under TEC, §48.106, for students enrolled in Pathways in Technology Early College High School (P-TECH) or Rural Pathway Excellence Partnership (R-PEP) programs, specifically when these pathways are delivered outside the student's home district. The Commit Partnership requested clarification regarding whether the allotment is generated by and allocated to the student's home district, regardless of the physical location of program delivery, to ensure consistent funding practices.

Response: The agency offers the following clarification. Eligibility for the P-TECH or R-PEP allotment is based on the district where the student is enrolled regardless of the physical location of program delivery. Implementation details relevant to funding and documentation will be addressed through Public Education Information Management System guidance and do not require inclusion in rule.

STATUTORY AUTHORITY. The amendment is adopted under TEC, §29.190(a-1), as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which establishes that a student may not receive more than two subsidies if the student passes a certification examination to qualify for a license or certificate that is an industry certification for purposes of TEC, §39.053(c)(1)(B)(v), administered while the student is enrolled in a school district; TEC, §39.0261(a)(3), as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which permits high school students in the spring of the 11th grade or during the 12th grade to select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes; the assessment instrument designated by the Texas Higher Education Coordinating Board; or a nationally recognized career readiness assessment instrument that measures foundational workforce skills approved by commissioner rule; TEC, §48.106, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which specifies certain students for whom a district is entitled to $150 in addition to the amount under TEC, §48.106(a); and TEC, §48.156, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which entitles a school district to reimbursement for the amount of a subsidy paid by the district for not more than two certification examinations per student.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§29.190(a-1), 39.0261(a)(3), 48.106, and 48.156, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025.

§74.1005. College and Career Funding and Reimbursements.

(a) Applicability. The provisions of this section apply to school districts and open-enrollment charter schools.

(b) Eligibility for funding.

(1) A district is eligible to receive funding under Texas Education Code (TEC), §48.106(a), for students in Grades 7-12 who take an approved career and technical education (CTE) course designated with an "H" in the CTE Course column of the Texas Education Data Standards, Section 4, Service-ID (CO22) code table.

(2) A district is eligible to receive funding under TEC, §48.106(a)(2)(A), for an advanced CTE course identified as Level 3 or Level 4 in a statewide CTE program of study.

(3) A district is eligible to receive funding under TEC, §48.106(a)(2)(B), for a campus that has been designated by the Texas Education Agency (TEA) as a Pathways in Technology Early College High School (P-TECH) for the current school year or a student who completes a course of study in a P-TECH program or a Rural Pathway Excellence Partnership program.

(c) Eligibility for reimbursement.

(1) A district is eligible to receive a certification examination reimbursement for a certification identified on the TEA list of industry-based certifications (IBCs) for public school accountability, pursuant to §74.1003 of this title (relating to Industry-Based Certifications for Public School Accountability).

(A) A district is eligible to receive the certification examination reimbursement for students in Grades 9-12 who pass an examination beginning in the 2019-2020 school year.

(B) Examinations must be taken between September 1 and August 31 of any school year.

(C) A district is eligible for reimbursement for a student's first and second examinations reported in the Texas Student Data System Public Education Information Management System with an associated dollar amount.

(2) A district is eligible to receive a reimbursement for a college preparation assessment administered under TEC, §39.0261(a)(3)(A), for fees paid by the district for the state negotiated rate for the SAT® or ACT® for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement only includes the standard SAT® and ACT® test. Additional costs such as writing tests, subject area tests, or late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and August 31 of the year the student graduates.

(3) A district is eligible to receive a reimbursement for a college preparation assessment administered under TEC, §39.0261(a)(3)(B), for fees paid by the district for the Texas Success Initiative Assessment for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement includes both the reading and mathematics portions of the examination. Neither portion is eligible for reimbursement on its own, and additional costs such as writing tests and late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and August 31 of the year the student graduates.

(4) A district is eligible to receive reimbursement for a nationally recognized career readiness assessment administered under TEC, §39.0261(a)(3)(C), for fees paid by the district for the assessment for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement only includes the required primary assessments(s) associated with the TEA-identified nationally recognized career readiness assessment. Additional costs such as subject area tests or late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and August 31 of the year the student graduates.

(5) A district may only be reimbursed under this subsection for up to two IBC examinations per student and one college preparation assessment or one career readiness assessment per student.

(6) A district must submit reimbursement requests and data in accordance with instructions provided by TEA within the published timeline.

(d) Final decisions. Reimbursement decisions are final and may not be appealed.

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

Filed with the Office of the Secretary of State on May 4, 2026.

TRD-202601876
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: May 24, 2026
Proposal publication date: January 16, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 226. MOBILE FOOD VENDORS

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts new §226.1, concerning Purpose, Local Preemption, and Applicability; §226.2, concerning Definitions; §226.3, concerning Management and Personnel; §226.4, concerning Mobile Food Vendor Licensing; §226.6, concerning Mobile Food Vendor Requirements; and §226.8, concerning Mobile Food Vendor Inspections.

Sections 226.1 - 226.4, 226.6, and 226.8 are adopted with changes to the proposed text as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1013). These rules will be republished.

BACKGROUND AND JUSTIFICATION

The new sections are necessary to comply with Texas Health and Safety Code (HSC) Chapter 437B, established by House Bill (HB) 2844, 89th Legislature, Regular Session, 2025, which requires the department to implement a statewide licensing and inspection program for mobile food vendors (MFVs). The statute also preempts local regulation in any way that conflicts with HSC Chapter 437B.

COMMENTS

The 31-day comment period ended on March 23, 2026.

During this period, DSHS received 101 comments regarding the proposed rules from 19 commenters. DSHS received comments from Guadalupe County Fire Marshal's Office, City of Amarillo Environmental Health, City of Universal City, Hunt County Health Department, Williamson County Health Department, Hays County Development Services, Texas Propane Gas Association, Tarrant County Public Health, Austin Public Health, City of San Antonio Metro Health, City of Wichita Falls, Grayson County, Harris County, Texas Association of City and County Health Officials, Houston Health Department, Texas Environmental Health Association, Texas Restaurant Association, and one individual commenter. A summary of comments relating to the rules and DSHS responses follows.

Comment: A commenter recommended that DSHS require in §226.8 that MFVs submit to a fire code inspection in every local jurisdiction in which they operate.

Response: DSHS disagrees and declines to make the change. HSC §437B.004(4)(H) prohibits DSHS from adopting a rule that requires an MFV to submit to more than one fire inspection in a 12-month period.

Comment: A commenter expressed full support for the rules as written.

Response: DSHS agrees and no revision is made to the rules in response to this comment.

Comment: A commenter requested that DSHS define "department."

Response: DSHS notes that "department" is already defined in §226.2(3) of the proposed rules. No revision is made to the rule in response to this comment.

Comment: A commenter requested that DSHS clarify in rule the ability of a local authority not in a collaborative agreement to address complaints and violations under HSC §437B.201.

Response: DSHS disagrees and declines to make the change. HSC §437B.003 preempts a local authority's power to regulate in a manner that conflicts with HSC Chapter 437B. There is already explicit language in HSC §437B.201(c) that allows any local authority, collaborating or not, to investigate a foodborne

illness (FBI) complaint connected to an MFV and recommend suspension or revocation to the department.

Comment: A commenter requested rule clarification between local "static display" and "itinerant vendor" ordinances and the prohibition on requiring constant motion contained in HSC §437B.004(4)(G).

Response: DSHS disagrees and declines to make the change. The language in HSC §437B.004 restricts what DSHS may put in the MFV rules but does not affect the ability of a local authority to adopt ordinances that do not conflict with HSC Chapter 437B. Furthermore, HSC §437B.101 requires MFVs to comply with all state and local laws in respective jurisdictions, including fire code, location restrictions, and zoning codes.

Comment: Multiple commenters requested rule clarification regarding whether some MFVs may be allowed to operate with local Temporary Food Establishment permits rather than MFV licenses.

Response: DSHS disagrees and declines to make the change. HSC Chapter §437B.051(a) states: "A person may not operate as a mobile food vendor in this state unless the person holds a mobile food vendor's license issued by the department."

Comment: A commenter requested clarification of §226.3(b)(2) to specify the type of documentation needed to gain the exemption from the requirement for the presence of a Certified Food Manager (CFM).

Response: DSHS agrees and has added language in §226.3(b)(2) to specify the type of documentation.

Comment: A commenter requested clarification allowing operators to haul MFV waste back to the central preparation facility (CPF) in holding tanks.

Response: DSHS disagrees and declines to make the change. The 2017 United States Food and Drug Administration (FDA) Food Code, which also governs, states in 5-402.14 "Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created."

Comment: Multiple commenters recommended a change of §226.4(k)(2) specifically to require a pre-licensing inspection for all MFVs prior to the issuance of a renewal as well as an initial license.

Response: DSHS disagrees and declines to make the change. Requiring a pre-licensing inspection for initial applications is consistent with operations in other DSHS programs. For renewals, MFVs are still subject to routine and complaint inspections. Adding a pre-licensing inspection to the existing routine and complaint inspections for renewals could be considered an additional hardship on MFV operators.

Comment: A commenter requested that DSHS clarify enforcement actions related to imminent health situations.

Response: DSHS partially agrees but declines to make the change to the rule. DSHS will clarify these situations through policy and standard operating procedures (SOPs) for inspection staff that participate in the MFV program through collaborative agreements. Enforcement actions must be through DSHS statutory and regulatory authority.

Comment: A commenter requested that DSHS clarify enforcement actions related to unlicensed vendors for local authorities.

Response: DSHS partially agrees but declines to make the change to the rule. DSHS will clarify these situations through policy and SOPs for inspection staff that participate in the MFV program through collaborative agreements. Enforcement actions must be through DSHS statutory and regulatory authority.

Comment: A commenter requested that DSHS require a visible state-issued licensing decal that is readily identifiable from a distance.

Response: DSHS disagrees and declines to make the change. DSHS does not have the resources available to require, create, and issue physical decals for MFVs. HSC §437B.103(2) requires an MFV to display their license and inspection report in a conspicuous location for public view.

Comment: A commenter requested that DSHS modify the requirements for "readily moveable" to allow for temporary hookups to utilities at events where such connections are available.

Response: DSHS disagrees and declines to make the change. Situations for when utilities may be connected are covered in §226.6(b)(4). The intent is to realign MFVs to be mobile and not operate in gray areas of requirements for permanent fixed establishments and temporary establishments.

Comment: A commenter requested that DSHS modify language related to gas/propane requirements.

Response: DSHS agrees and added language to §226.6(b)(4) to prevent conflict with Texas Railroad Commission gas requirements. DSHS also altered the definition of "Fire Code" to be consistent with other requirements in the State of Texas.

Comment: A commenter requested clarification on how §226.4(c)(1)(E) will be verified by cities and counties.

Response: DSHS disagrees and declines to make the change. DSHS will require this information during the application process and will include this information in the database required by HSC §437B.060.

Comment: A commenter requested clarification on CPFs and servicing areas as certain actions can happen at separate physical locations on one property or at two separate properties. The commenter stated the requirements for a statewide mobile permit are unclear and could lead to industry confusion and increase in improper wastewater disposal that includes high grease concentrations leading to clogging of sewer lines.

Response: DSHS disagrees and declines to make the change. Wastewater and Fats, Oils, and Greases (F.O.G.) requirements fall under local requirements and are subject to HSC §437B.101. Local authorities have different requirements for these situations, and DSHS does not have the authority to restrict FOG requirements of home-rule municipalities. Section 226.6(b)(9)(F) clarifies waste removal by MFV as detailed in FDA Food Code 5-4.

Comment: A commenter requested clarification on an MFV operating with an expired permit.

Response: DSHS disagrees and declines to make the change. According to HSC §437B.051(a), a license with DSHS is required for an MFV to operate in the State of Texas. HSC §437B.055(b) states that a license expires on the first anniversary of the date of issuance. This means the MFV would be operating as an unlicensed MFV if they do not renew their license before their license expires, as prescribed in HSC §437B.056.

Comment: A commenter requested clarification for why randomized health inspection fees will not be collected until time of renewal.

Response: DSHS partially agrees but declines to make the change. DSHS will pay collaborative partners for inspection before recovering costs of routine and compliance inspections. There may be circumstances where MFVs go out of business and do not pay their inspection fees. DSHS will still be required to pay collaborative agreement partners for complete inspections.

Comment: A commenter expressed concerns about §226.6(b)(3)(A)-(B) and why beverages served from covered urns or other protected equipment were allowed in a restricted operation.

Response: DSHS agrees and altered language in §226.6(b)(3) to remove beverages sold from covered urns under restricted operations.

Comment: A commenter requested that DSHS clarify if CPF information will be on the application.

Response: DSHS notes that the department requires CPF information on applications for MFVs.

Comment: A commenter requested specialized processes be allowed under certain circumstances on food vending vehicles (FVVs) to not limit certain activities that are common on FVVs.

Response: DSHS agrees and added language to §226.6(b)(12) to allow specialized processes under specific circumstances.

Comment: A commenter requested that DSHS not verify Driver's License and Commercial Driver's License information as this is outside the purview of health departments.

Response: DSHS disagrees and declines to make the change. HSC §437B.102 requires DSHS inspection personnel to verify FVV driver requirements.

Comment: A commenter requested that DSHS change the language in §226.3(c) to require employees to obtain food handler cards prior to preparation or handling of time/temperature control for safety foods.

Response: DSHS disagrees and declines to make the change. The 30-day time frame for completing food handler training in §226.3(c), conforms with the general requirement for employees in all food establishments per §228.31(d).

Comment: A commenter requested that DSHS add a definition for "catering truck" to the rules.

Response: DSHS disagrees and declines to make the change. An operation that meets the definition of "mobile food vendor" in §226.2 will be required to obtain an MFV license from DSHS even if "catering" a private event. On the other hand, a classic "catering" operation that delivers food to a private event, with no preparation in a mobile unit, does not meet the definition and would be subject to other retail permitting by DSHS or the local authority.

Comment: A commenter requested that local authorities in collaborative agreements with DSHS be allowed to sub-contract MFV inspections to third-party inspection businesses.

Response: DSHS disagrees and declines to make the change. DSHS interprets HSC §437B.054 and §437B.153 to mean that inspections of MFVs can only be conducted by inspection staff employed by DSHS or by local authorities in collaborative agreements with DSHS. HSC §437B.001(4) defines "local authority" as a governmental entity or "political subdivision of this state."

Comment: A commenter expressed misgivings regarding the efficacy of requiring MFVs to provide itineraries, or lists of projected operating locations, to the department per §226.4(c)(1)(G) and §226.8(d).

Response: DSHS disagrees and declines to make the change. DSHS understands that itineraries will be subject to change but notes that HSC §437B.154 requires MFV operators to make their prospective operating locations known to DSHS "to the best of the vendor's knowledge."

Comment: A commenter requested that DSHS define the term "conveniently located" as used in §226.6(b)(11) regarding toilet room requirements.

Response: DSHS disagrees and declines to make the change. DSHS will cover this and other similar situations in inspection SOPs.

Comment: Multiple commenters requested clarification on the department's licensing rollout process.

Response: DSHS partially agrees but declines to make the change in rule. The licensing rollout process will be communicated through the DSHS Retail website, in the Mobile Food Vendor Guide, and through operational procedures. The initial rollout process will only be applicable to the initial rollout phase in 2026 and will not apply to following years.

Comment: A commenter requested clarification on Type I MFVs and if prepackaged items would require a permit to operate.

Response: DSHS partially agrees but declines to make the change in rule. DSHS notes that Type I MFVs will be clarified further on the licensing application and on the MFV guide required under HSC §437B.059. DSHS did not previously license prepackaged MFVs, but HSC §437B.051 requires all MFVs in Texas to hold a license with DSHS in order to operate. These MFVs will usually fall into the Type I category.

Comment: A commenter recommended language that specifically requires roadside vendors to sell only meat bearing DSHS or United States Department of Agriculture marks of inspection.

Response: DSHS disagrees and declines to make the change. §226.1(c)(1)(D) and (E) require adherence to Texas Food Establishment Rules (TFER) in Texas Administrative Code Chapter 228 and the 2022 FDA Food Code. Both documents already require meat and meat products to originate from approved sources.

Comment: A commenter requested language to clarify the push-cart definition's exclusive on-unit operations and reliance on approved CPFs.

Response: DSHS disagrees and declines to make the change. HSC §437B.004(4)(D) does not allow the department to make rules requiring the association with a CPF under certain circumstances.

Comment: A commenter expressed concern with locating MFVs for inspection and proposed the need for in-person annual inspections.

Response: DSHS disagrees and declines to make the change. HSC §437B.153 requires randomized inspections for MFVs. DSHS intends to complete randomized, annual inspections of all FVVs. MFVs are required to submit itineraries and may re-

quire compliance or enforcement if they do not provide itinerary information that allows them to be located as prescribed in §226.8(d)(1)-(3).

Comment: A commenter expressed public safety concerns with new MFV requirements and supports stronger standards and enforcement statewide.

Response: DSHS disagrees and declines to make the change. DSHS is tasked with creating rules as prescribed by HB 2844 and HSC Chapter 437B.

Comment: A commenter proposed a section that would allow jurisdictions access to posted layouts, menus, conditions approved by the state, and floor plans.

Response: DSHS disagrees and declines to make the change. DSHS does not require plan reviews, floor plans, or detailed layout information. DSHS requires submission of menus, plumbing information, and other vehicle information with submission of applications. The pre-licensing inspection will verify these requirements.

Comment: Multiple commenters requested proper use of MFV and FVV in instances where the terms were used interchangeably.

Response: DSHS agrees and added language to further clarify the terms. Language regarding FVV and MFV was realigned to meet statutory intent in multiple parts throughout in §§226.2, 226.6, and 226.8.

Comment: A commenter requested clarification on licensure requirements regarding owners and FVVs.

Response: DSHS disagrees and declines to make the change. HSC §437B.053(d) allows an applicant to submit one application for multiple FVVs. Each FVV would have its own license with a consistent owner/entity over each FVV.

Comment: A commenter requested the allowance of American National Standards Institute - Conference for Food Protection (ANSI-CFP) accredited food protection manager certifications, in addition to department-accredited courses, to broaden compliant training options.

Response: DSHS disagrees and declines to make the change. HSC §437B.104 requires MFVs to comply with all laws and rules regarding food safety, including food safety and manager certifications required under HSC Chapter 438. The State of Texas recognizes both ANSI-CFP accredited and DSHS accredited food manager and food handler training programs.

Comment: A commenter requested language requiring documented verification of approvals, such as approver, date, and conditions, that must be retained in official records for accountability, audits, and enforcement.

Response: DSHS disagrees and declines to make the change. DSHS maintains records and histories for MFVs through their Licensing and Operations branches. As required in the FDA Food Code and referenced in TFER, the MFV is required to maintain a copy of their last inspection. Their license and inspection report would provide documentation of approval.

Comment: A commenter requested DSHS to define inspection and enforcement authority delegated to local jurisdictions operating under cooperative or collaborative agreements.

Response: DSHS disagrees and declines to make the change. Inspection authority is defined in the definition for "Regulatory authority." Enforcement authority is only granted to the department.

Comment: A commenter requested language that explicitly authorizes local jurisdictions to require MFVs to report to designated locations for inspection.

Response: DSHS agrees and added language. DSHS added "food vending vehicle" to §226.8(c), which states that the regulatory authority may require an MFV to appear at a location chosen by the regulatory authority. DSHS also added new §226.8(d)(3) to clarify locations for inspection related to compliance inspections.

Comment: Multiple commenters requested the department establish a minimum inspection frequency or maintain a documented risk-based inspection schedule.

Response: DSHS disagrees and declines to make the change. MFVs shall be inspected using an "ongoing, randomized" approach according to HSC §437B.153. Annual inspections will be an increase from DSHS's current MFV inspection frequency, and increased inspection frequency will be limited based on funding due to the reimbursement process.

Comment: A commenter requested language that prohibits discharge of wastewater in unapproved locations.

Response: DSHS disagrees and declines to make the change. Section 226.1(c)(2) and 226.6(c)(3)(f) provide clarification on local laws and regulations. The FDA Food Code also already prohibits this activity, and additional regulations would be unnecessary.

Comment: Multiple commenters requested clarification on local government authority regarding water, wastewater, right-of-way, zoning, land use, parking, traffic management, grease disposal, and fire regulations.

Response: DSHS disagrees and declines to make the change. HSC §437B.101 states that "A mobile food vendor shall comply with all state and local laws in the jurisdiction in which the mobile food vendor operates, including all fire codes, location restrictions, and zoning codes."

Comment: A commenter requested the tightening of CPF exemption by requiring verifiable access to lawful water sources and approved waste disposal systems.

Response: DSHS partially disagrees and declines to make the change. Section 226.6(c)(3) includes the requirement of approved potable water source and wastewater disposal methods. Section 226.8(c)(4) also includes the records required to be kept by the MFV regarding their servicing area.

Comment: A commenter requested complaint fees to be waived if the complaint is unfounded.

Response: DSHS partially agrees but declines to make the change in the rule. DSHS will address this in SOPs and may group similar complaints into one investigation to lessen the potential burden of fraudulent complaints.

Comment: Multiple commenters requested fee reduction and incentive programs for MFVs and for DSHS to reassess fee structure in a couple of years.

Response: DSHS partially disagrees and declines to make the change. DSHS needs to fund the MFV Implementation Program. Since no funds were appropriated for this program, reduction

in fees and incentive programs would not be reasonable at this time.

Comment: A commenter requested initial licensing fees to be prorated.

Response: DSHS disagrees and declines to make the change. DSHS initial licensing rollout plan allows a business-friendly approach of allowing operators to continue to operate if they have applied for a DSHS MFV license in June or July. Whenever their initial pre-licensing inspection is completed, their application will be fully processed, and they will be issued a license that is good for one year from that process date.

Comment: Multiple commenters requested clarification on the collaborative agreement process and the ability of local authorities to address safety concerns.

Response: DSHS disagrees and declines to make the change. HSC §437B.153 allows DSHS to enter collaborative agreements with local authorities to conduct inspections. The collaborative agreement process will be managed through yearly contracts and SOPs. The process will be standardized for all agencies participating in a collaborative agreement.

Comment: Multiple commenters requested clarification that temporary, code-compliant utility connections on private property do not, by themselves, negate mobility.

Response: DSHS disagrees and declines to make the change. DSHS has clarified what constitutes readily movable and aligns MFVs with the intention of maintaining mobility. Units that lose or greatly limit their mobility may not fall within the definition of an MFV.

Comment: A commenter requested language to be added to set more objective mobility criteria around operable wheels, axles, current registration, or evidence that the unit has become effectively permanent.

Response: DSHS agrees and has added clarification language to the rule. Section 226.6(b)(4)(B) has been edited to include criteria around permanent connections.

Comment: A commenter requested movement demonstrations of FVVs be limited.

Response: DSHS disagrees and declines to make the change. FVVs must be readily movable. DSHS does not intend on making FVVs demonstrate movability unnecessarily.

Comment: A commenter requested language be added that operators provide location information "to the best of their knowledge."

Response: DSHS disagrees and declines to make the change. HSC §437B.154 requires that location information be made available to the department.

Comment: A commenter requested requiring reasonable contact attempts and inspection scheduling before enforcement actions and penalties, if a unit cannot be located.

Response: DSHS disagrees and declines to make the change. DSHS will be working to coordinate with MFVs as their itineraries change, but it is the MFV's responsibility to communicate changes in the itinerary to the department. DSHS will provide policies and procedures around attempted visits at itinerary-specified locations and subsequent contact attempts with the MFV.

Comment: A commenter expressed concerns about HB 2844 creating costly permits and grey areas that allow for additional permitting from local authorities. The commenter expressed concerns that the regulations do not reflect the operational realities of food trucks and instead impose excessive financial burdens on small business owners.

Response: DSHS disagrees and declines to make a change. DSHS licensing fees are required to implement a statewide licensing and inspection program for MFVs. HSC Chapter 437B does not allow local authorities to regulate or require permitting of MFVs in any way that conflicts with HSC Chapter 437B.

Minor editorial changes were made to use the acronyms "FVV" for "food vending vehicle," "MFV" for "mobile food vendor," and "CPF" for "central preparation facility" throughout the rules, as appropriate.

Additionally, DSHS made minor editorial changes to the rules to improve clarity, readability, and to correct an error as follows.

DSHS revised §226.3(a) by adding "United States" to improve clarity since it is the first mention in the rule.

DSHS revised: §226.6(b)(12) by replacing obligatory words "may" and "must" to clarify authority and corrected a clerical error replacing "CFPs" with "CPF."

DSHS revised §226.8(g) by adding two statutory references from HSC Chapter 437B.

SUBCHAPTER A. GENERAL PROVISIONS

25 TAC §226.1, §226.2

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

§226.1. Purpose, Local Preemption, and Applicability.

(a) Purpose. The purpose of this chapter is to implement Texas Health and Safety Code (HSC) Chapter 437B, Mobile Food Vendors (MFVs).

(b) Local preemption. A local authority may not adopt a rule or enforce requirements that conflict with this chapter.

(c) Applicability of other statutes, rules, and regulations.

(1) MFVs must comply with all relevant laws and rules applicable to the preparation, holding, and service of food products in, and from food vending vehicles (FVV), including:

(A) Texas HSC Chapter 431 (Texas Food, Drug, and Cosmetic Act);

(B) Texas HSC Chapter 437 (Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors);

(C) Texas HSC Chapter 437B (Mobile Food Vendors);

(D) Chapter 228 of this title (relating to Retail Food Establishments); and

(E) the United States Food and Drug Administration (FDA) 2022 Food Code (Food Code).

(2) MFVs must comply with all laws, ordinances, or orders passed by a municipality, county, or public health district in which the MFV operates, as long as the laws, ordinances, and orders do not conflict with Texas HSC Chapter 437B.

§226.2. Definitions.

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

(1) Applicant--A person who sends an application to the department for a license to operate as a mobile food vendor (MFV) under this chapter.

(2) Central preparation facility (CPF)--A facility approved by the regulatory authority for preparing, storing, serving, vending, or packaging food and for servicing the food vending vehicle (FVV) or other retail food establishments, such as outfitter operations. A commissary is a central preparation facility.

(3) Department--Texas Department of State Health Services.

(4) Fire Code--The National Fire Protection Association (NFPA) standards.

(5) Food--A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(6) Food Code--United States Food and Drug Administration (FDA) 2022 Food Code.

(7) Food service establishment--A food establishment as defined in §228.2 of this title (relating to Definitions).

(8) Food vending vehicle (FVV)--Any vehicle that is a self-enclosed food service establishment (including catering trucks, trailers, and roadside vendors) or pushcart that operates to store, prepare, display, serve, or sell food as a food service establishment and is designed to be readily movable. An FVV may be self- or otherwise-propelled, or vehicle-mounted. An FVV does not include a stand or a booth.

(9) License holder--A person who holds an MFV license issued under this chapter.

(10) Local authority--A municipality, county, public health authority, special purpose district or authority, or any other political subdivision of this state.

(11) Mobile food vendor (MFV)--Any person who dispenses food or beverages from an FVV for immediate service or consumption. An MFV may cook, cool, hold, prepare, reheat, or conduct other activities allowed by the Food Code to fulfill food orders for immediate consumption. An MFV may not perform food manufacturer or food wholesaler activities on an FVV under Texas Health and Safety Code (HSC) Chapter 431. An MFV does not include any operation that is not readily moveable. MFVs are divided into three categories:

(A) Type I--an MFV that dispenses only non-time and temperature control for safety (TCS) prepackaged food and does not sell TCS beverages, or an MFV that otherwise poses a low risk of harm to the public as determined by the department;

(B) Type II--an MFV that dispenses prepackaged TCS foods or food that requires limited handling and preparation, or TCS foods that are prepared to order and served for immediate consumption; processes may include preparing, cold holding, thawing, and/or reheating of commercially processed and/or packaged products for immediate consumption; and

(C) Type III--an MFV that prepares, cooks, holds, and serves food from an FVV; processes may include hot holding, cold holding, thawing, cooking, cooling, reheating, or conducting other activities allowed by the Food Code.

(12) Person--An individual, business, partnership, organization, corporation, or association.

(13) Prepackaged food--Commercially labeled and processed food that is already in a package to stop direct contact with the food during distribution by the manufacturer, food facility, or other approved source. Prepackaged does not include food only wrapped or placed in a carry-out container by a food employee, at the consumer's request.

(14) Pushcart--A non-self-propelled FVV limited to serving foods requiring a limited amount of preparation as authorized by the regulatory authority and readily movable by one or two people. A pushcart is classified as an FVV. A pushcart does not include non-self-propelled units owned and operated within a retail food store. This type of vehicle requires the support of a central preparation facility.

(15) Readily moveable--Able to easily move without delay or difficulty; free of alterations, attachments, additions, placement, or change in, under, or upon the FVV that prevent or otherwise reduce the ability to easily move without delay or difficulty. Readily moveable also includes any other requirements set forth by the regulatory authority.

(16) Regulatory authority--The department. The department may enter into a collaborative agreement to allow a local authority to inspect on the department's behalf. When such an agreement is in place, the local authority has full authority to conduct health inspections as the department's representative.

(17) Roadside food vendor--A person who operates an FVV from a temporary location adjacent to a public road or highway. Food is not prepared or processed by a roadside food vendor. A roadside food vendor is classified as an MFV.

(18) Servicing area--A location that an FVV visits to fill the potable water tank with potable water from an approved source and to empty grease, cooking waste, and sewage from the wastewater tank into a wastewater collection system as allowed by law and approved by the regulatory authority.

(19) TCS--Time/temperature control for safety.

(20) TCS food--Time and temperature control for safety food, as defined in Food Code §1-201.10.

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

Filed with the Office of the Secretary of State on April 29, 2026.

TRD-202601840
Cynthia Hernandez
General Counsel
Department of State Health Services
Effective date: May 19, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 834-6753



SUBCHAPTER B. MANAGEMENT AND PERSONNEL

25 TAC §226.3

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

§226.3. Management and Personnel.

(a) Except as specified in subsection (b) of this section, a certified food protection manager must be present at the food establishment during all hours of operation as required in the United States Food and Drug Administration (FDA) 2022 Food Code (Food Code) §2-101.11 and §2-102.12.

(b) Food establishments deemed by the regulatory authority to pose minimal risk of causing or contributing to foodborne illness based on the nature of the operation and extent of food preparation are exempt from the requirements in subsection (a) of this section. The exemption includes:

(1) a Type I mobile food vendor (MFV); or

(2) other MFVs that do not prepare or handle unpackaged TCS food.

(c) All employees involved in the preparation and service of food products, except for certified food protection managers, must successfully complete an accredited food handler training course within 30 days of employment.

(d) MFVs must display a sign or poster notifying food employees to report any symptoms or medical diagnoses related to diseases that can be spread through food. The sign or poster must be displayed where all employees can easily see the sign or poster.

(e) Driver requirements.

(1) A person who drives a motorized food vending vehicle (FVV) must possess a valid driver's license as required by Texas Transportation Code Chapter 521.

(2) A person who drives a motorized FVV must hold a current commercial driver's license if required by Texas Transportation Code Chapter 522.

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

Filed with the Office of the Secretary of State on April 29, 2026.

TRD-202601841
Cynthia Hernandez
General Counsel
Department of State Health Services
Effective date: May 19, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 834-6753

♦ ♦ ♦

SUBCHAPTER C. LICENSING

25 TAC §226.4

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

§226.4. Mobile Food Vendor Licensing.

(a) A mobile food vendor (MFV) must have a current MFV license from the department to operate as an MFV in Texas. An MFV must have a separate license for each food vending vehicle (FVV) operated by the MFV.

(b) An MFV license is valid for one year from the date of issuance and must be renewed annually. The license is non-transferable.

(c) Application requirements.

(1) An MFV must apply for a license from the department using the form the department prescribes. The application must include:

(A) the applicant's name, address, email address, and telephone number;

(B) the name, address, email address, and telephone number for any associated entity or organization represented by the applicant, along with copies of documents showing proof of that relationship;

(C) the primary residences and business addresses of the applicant for the 12 months before the application date;

(D) the following documentation:

(i) a description of the processes to be used in the operation (e.g., prepackaged, non-TCS foods only, cook-serve, cook-cool-reheat-serve, etc.); and

(ii) a copy of the menu or a list of all food and beverage products to be prepared, sold, or served;

(E) a statement regarding whether the applicant has ever been denied an MFV license, or had an MFV license suspended or revoked by any governmental entity, and the reason for any denial, suspension, or revocation;

(F) the following for each motorized FVV for which the applicant is applying:

(i) the vehicle: license number, description, identification number, and registration;

(ii) proof of vehicle insurance;

(iii) proof of vehicle weight as issued by Texas Department of Transportation; and

(iv) a copy or proof of any additional commercial vehicle licenses or permits required by this state; and

(G) a list of the locations at which the vendor intends to operate, to the best of the vendor's knowledge. The MFV may provide the department with a list of locations by providing a link to the MFV's social media page or website. If the vendor does not provide the list of operating locations on a social media page or website, the MFV shall submit the list of operating locations to the department in the form and manner the department prescribes.

(2) The applicant must provide a notarized written statement that all information provided under paragraph (1) of this subsection is true and correct.

(3) The applicant may submit one application for all FVVs that require licensing under this subchapter. A separate licensing fee is required for each FVV.

(4) If an applicant does not submit a complete and accurate application, the license may be denied or delayed.

(5) Intentional submission of false information or omission of requested information on an application may result in denial, delay, or revocation of a license.

(d) Before a license is issued, each proposed FVV must be inspected by the regulatory authority. The inspection must confirm that:

(1) each FVV is safe for preparation, handling, and selling food; and

(2) each vendor complies with all applicable laws and rules.

(e) An applicant must pay fees for each FVV:

(1) a non-refundable application fee, as follows:

(A) $300 for each Type I MFV;

(B) $600 for each Type II MFV; and

(C) $850 for each Type III MFV;

(2) a pre-licensing health inspection fee, as follows:

(A) $400 for each Type II MFV; and

(B) $500 for each Type III MFV;

(3) an inspection fee for health inspections, as follows:

(A) $400 for each Type II MFV; and

(B) $500 for each Type III MFV; and

(4) an inspection fee for compliance inspections and complaint investigations, as follows:

(A) $300 for each Type I MFV;

(B) $400 for each Type II MFV; and

(C) $500 for each Type III MFV.

(f) A fee for randomized health inspections of Type II and Type III MFVs, per subsection (e)(3) of this section, must be paid at the time of initial or renewal application.

(g) Fees for complaint investigations and compliance inspections to determine corrective actions must be paid by the MFV at the time of the MFV's next license renewal application.

(h) If there are changes in the operation that require a licensing amendment as outlined in this chapter, an amendment fee is required. The amendment fee is half of the initial license application fee.

(i) For all initial and renewal license applications submitted through Texas.gov, the department is authorized to collect fees in amounts determined by the Texas Department of Information Resources to recover costs associated with using Texas.gov.

(j) A person filing a renewal license application after the expiration date must pay an additional $100 as a late fee. The license holder must submit a renewal application and license fees before the expiration date of the license.

(k) Renewal, transferability, and substitution of vehicle.

(1) MFV licenses must be renewed on an annual basis, within 12 months of the date of issuance.

(2) To renew a license, the MFV must submit a renewal application and all required fees, as outlined in subsections (c), (e), (f), and (g) of this section, to the department before the current license expires. A pre-licensing inspection and related fee is not required for a renewal application unless the application includes a change of category or the FVV has been replaced.

(3) An MFV license issued under this subchapter cannot be transferred to another person or business. Only the person or business named on the license is permitted to operate as the MFV.

(4) When an FVV is replaced with another vehicle, the license holder must provide the department all information required by subsection (c)(1)(F) of this section for a motorized vehicle. The replacement vehicle must be inspected as stated in subsection (d) of this section.

(5) Any person receiving MFV business assets must apply for a new MFV license before operating as an MFV. This includes situations such as change of ownership of an FVV, change of ownership of an MFV, or acquisition of a new FVV.

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

Filed with the Office of the Secretary of State on April 29, 2026.

TRD-202601842
Cynthia Hernandez
General Counsel
Department of State Health Services
Effective date: May 19, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 834-6753



SUBCHAPTER D. REQUIREMENTS

25 TAC §226.6

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

§226.6. Mobile Food Vendor Requirements.

(a) Compliance with state and local laws. Mobile food vendors (MFVs) must comply with all state and local laws that do not conflict with this chapter or Texas Health and Safety Code (HSC) Chapter 437B. This includes fire codes, location rules, and zoning codes in the jurisdictions where the MFV operates.

(b) MFV provisions.

(1) MFVs must adhere to Food Code §8-304.11, Responsibilities of the Permit Holder.

(2) General. Except as otherwise provided in this paragraph and in paragraph (3) of this subsection, the regulatory authority may waive or change physical facility requirements in this section if a public health hazard is not likely to occur. The following requirements may not be waived:

(A) paragraphs (8) - (10) of this subsection;

(B) subsection (c)(3) of this section; and

(C) Food Code Subparts 3-401, 3-402, 3-403, 3-404, and 3-501.

(3) Restricted operation. An MFV that only serves food prepared and packaged in individual servings that is stored and transported on a food vending vehicle (FVV) as required by this chapter, is not required to comply with:

(A) water and sewage system requirements; and

(B) cleaning and sanitizing equipment and utensil requirements if cleaning and sanitizing equipment is available at the central preparation facility (CPF).

(4) Readily movable.

(A) There shall be no alteration, removal, attachments, additions, placement, or change in, under, around, or on the FVV that prevents or otherwise reduces mobility.

(B) An FVV may connect to a utility only when filling the potable water tank, emptying the wastewater tank, or temporarily connecting to an electrical source. The vehicle must not be permanently or remain connected to:

(i) a water supply hose during operation, except when filling the potable water tank;

(ii) an external sewage or water disposal system during operation, except when emptying the wastewater tank;

(iii) an external electrical source, if it is the only means for powering the FVV; or

(iv) an external gas source, if it is the only means for operating the FVV.

(C) The regulatory authority may require an MFV to move the FVV as often as required to a location designated by the regulatory authority to demonstrate the FVV is readily moveable. The FVV must be fully functional and free of any temporary utility connection, including electricity, water, and wastewater, at any location while operating or any location designated by the regulatory authority. An FVV must always be readily movable.

(5) Single-service articles. An MFV must provide only single-service articles for use by the consumer.

(6) Equipment, numbers, and capacities.

(A) Cooling, heating, and holding capacities. Equipment used for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity to provide food temperatures as specified under the Food Code Chapter 3 - Food. If capacity is insufficient for a process on an FVV or a CPF, then that process may not occur on the FVV or a CPF.

(B) Manual warewashing and sink compartment requirements.

(i) A sink with at least three compartments must be available for manually washing, rinsing, and sanitizing equipment and utensils, as required by Food Code Paragraph 4-301.12(A).

(ii) Sink compartments must be large enough to completely cover the largest equipment and utensils with water, as required by Food Code Paragraph 4-301.12(B).

(C) Handwashing sinks. At least one handwashing sink must be present inside the FVV with employee access for easy use. The handwashing sink must have soap and drying devices, as required by Food Code §6-301.11 and §6-301.12. MFVs that only sell prepackaged food are not required to have an operational handwashing sink.

(7) FVV water system requirements. The FVV water systems must meet all material, design, and operation requirements in Food Code Part 5-3.

(8) The drinking water tank. The FVV drinking water tank must meet all requirements specified in Food Code §5-303.13.

(A) A fill hose and water holding tank must be labeled as "Potable Water."

(B) A holding tank must be tested for contamination by collecting a sample upon request by the regulatory authority.

(9) Sewage and other liquid waste.

(A) Liquid waste from operating an FVV must be stored in a retention tank that is permanently installed for holding waste.

(B) A leak-proof sewage holding tank in an FVV must meet the requirements of Food Code §5-401.11 for capacity and drainage.

(C) All connections on the vehicle that are used for servicing FVV waste disposal facilities must be a different size or type than the connections used for supplying potable water to the FVV. All connections must form a tight and complete seal.

(D) Liquid waste must not be released from the retention tank while the FVV is moving.

(E) A waste retention tank must be flushed in accordance with Food Code §5-402.15.

(F) FVV waste must be removed in accordance with Food Code Part 5-4.

(G) Liquid waste holding tanks must be labeled "Wastewater."

(10) FVV water and wastewater exemption. Roadside vendors that only sell prepackaged food do not have to comply with the water and wastewater requirements in this chapter.

(11) Toilet room requirements. Toilet rooms must be conveniently located and accessible to employees at all times during operations.

(12) Specialized processes. Specialized processing methods, as outlined in Food Code §3-502.11 and §3-502.12, may be conducted by an MFV on an FVV, if necessary and sufficient equipment is provided to safely carry out those processes. These processes must be conducted at a CPF if equipment is not sufficient in number and capacity.

(c) Central preparation facility (CPF).

(1) Supplies, cleaning, and servicing operations. Unless all conditions listed in paragraph (3) of this subsection are met, an MFV and FVV must operate from a CPF or another fixed food establishment. An MFV and FVV must report to this location as required by the regulatory authority for supplies, cleaning, and servicing operations.

(2) Construction. The CPF or other fixed food establishment that serves as the base of operation for an MFV must meet con-

struction and operation standards in accordance with Food Code Chapter 6 - Physical Facilities.

(3) CPF exemption. An MFV and FVV may operate without a CPF or commissary if all requirements of this paragraph are met. Each requirement must be checked during inspection. Requirements include the following.

(A) Equipment for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity on the FVV to provide food temperatures as specified in Food Code Chapter 3 - Food.

(B) All food stored on the FVV must be kept in a way that prevents cross contamination and contamination from other sources as described in Food Code Chapter 3 - Food.

(C) Food equipment, utensils, and single-service articles must be stored on the FVV in a way that prevents contamination. Storage practices must comply with requirements in Food Code Chapter 3 - Food and Chapter 4 - Equipment, Utensils, and Linens.

(D) FVV warewashing compartments must be large enough to completely cover the largest equipment and utensils with water, as required by Food Code Paragraph 4-301.12(B).

(E) Potable water for the FVV must come from an approved source as outlined in Chapter 228, Subchapter E of this title (relating to Water, Plumbing, and Waste) and Food Code Part 5-1. Potable water cannot be taken from an untested water well or from a private residence.

(F) Sewage and other liquid waste must be removed from the FVV at a facility approved for waste servicing or by a sewage transport vehicle. Removal of waste must not cause a risk to public health or create a nuisance as defined by state or local law, regulation, or ordinance.

(G) The MFV and FVV must keep records that include the physical address and letters of authorization, if needed, for approved sources of potable water and disposal locations for wastewater. The MFV must always keep the records available for review on the FVV, and the records must be applicable to the current licensing cycle and locations of operation.

(H) The MFV must keep records that show proof of loaded vehicle weight as issued by Texas Department of Transportation.

(d) Outdoor servicing area and operations, if used.

(1) Protection.

(A) An FVV servicing area must provide overhead protection for any supplying, cleaning, or servicing activity. Overhead protection is not required for areas only used for loading water or discharging sewage and other liquid waste through a closed hose system.

(B) The location for flushing and draining liquid waste in the servicing area must be separate from the area used for potable water servicing and from the area used for loading and unloading food and related supplies.

(C) A servicing area is not required when only prepackaged food is held and dispensed by the MFV or when the FVV does not have waste retention tanks.

(D) The servicing area's surface must be made of smooth, nonabsorbent material, such as concrete or machine-laid asphalt. The servicing area's surface must remain in good condition, always clean, and be graded to drain.

(E) Potable water servicing equipment must be installed in the servicing area as required by the Plumbing Code, as defined in §228.2 of this title (relating to Definitions). The equipment must be stored and handled in a way that keeps both the water and the equipment from becoming contaminated.

(2) Construction exemption. Walls and ceilings in the servicing area do not have to meet the requirements in Food Code §6-201.11.

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

Filed with the Office of the Secretary of State on April 29, 2026.

TRD-202601843
Cynthia Hernandez
General Counsel
Department of State Health Services
Effective date: May 19, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 834-6753



SUBCHAPTER E. INSPECTIONS

25 TAC §226.8

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

§226.8. Mobile Food Vendor Inspections.

(a) Mobile food vendor (MFV) categories. The department assigns each MFV to a category based on the type of food served and how the food is prepared. Each category of MFV is described in the definition of "mobile food vendor (MFV)" in §226.2 of this chapter.

(b) Reclassification. When an MFV wants to sell food or beverages that require a different category than initially approved, the MFV must inform the department about the specific food or beverages to be sold. The regulatory authority may conduct a health inspection to decide if a new category is needed.

(c) Health inspection. The regulatory authority may require an MFV, and food vending vehicle (FVV), to appear at a location chosen by the regulatory authority. The FVV must be fully functional at the time of inspection, including proper operation of handwash stations, warewash equipment, refrigeration units, and wastewater disposal systems. The following documentation must be available during inspection:

(1) Certified Food Protection Manager and Food Handler Certification;

(2) central preparation facility (CPF) authorization (if required): a signed letter of authorization is required, to verify facility use, if the CPF is not owned by the mobile unit operator;

(3) CPF inspection report (if required);

(4) servicing area documentation and authorization: the MFV must keep the following records on the FVV:

(A) records that show use of an approved water source and an approved sanitary sewage system; such records may include invoices, written agreements, or other available evidence;

(B) a servicing area activity log that must show the date and time the MFV and FVV obtained potable water, properly disposed sewage and other liquid waste, or properly disposed grease or other cooking waste; and

(C) a signed letter by the department or local authority, if applicable, giving authorization to use a servicing area, if the servicing area is not owned by the MFV; and

(5) a menu of all food items to be sold.

(d) Notice of location for inspections. An MFV must provide the department, to the best of the vendor's knowledge, a list of all planned locations of operation along with an itinerary listing the dates and times the MFV plans to operate at these locations. The itinerary must be provided at least seven days before the first date listed in the itinerary. The MFV can share the itinerary on the MFV's social media or website. If the MFV does not post the itinerary on social media or the vendor's internet website, the MFV must send the itinerary to the department, in the form and way the department requires.

(1) The regulatory authority must be able to find and inspect an MFV and FVV using the provided itinerary. If an MFV cannot be located, then the regulatory authority may require an MFV and FVV to come to a location designated by the regulatory authority.

(2) If an MFV is not able to be located according to provided itinerary or does not appear for an inspection agreed upon by the regulatory authority then the MFV's license may be subject to suspension or revocation.

(3) If an MFV requires a compliance inspection, the MFV must notify the department of FVV's location to coordinate the compliance inspection within the timeframe specified by the department. If an MFV does not notify the department or coordinate the compliance inspection, the MFV's license may be subject to suspension or revocation.

(e) An MFV must allow inspection by a representative of the regulatory authority during any hours of operation to check compliance with this chapter. An MFV's refusal of inspection or cooperation with a complaint investigation may result in suspension or revocation of a license. Refusal to allow an inspection by a local authority acting under a collaborative agreement with the regulatory authority will be considered a refusal to allow the regulatory authority to inspect.

(f) The MFV must provide the required valid driver's license or commercial driver's license upon request to the regulatory authority during pre-licensing, routine health inspections, and investigations. Driver's licenses required for the operation of the FVV must be present during all hours of MFV operation.

(g) Refusal, revocation, or suspension of a license; administrative penalties.

(1) Basis. The department may refuse an application for a license or may revoke or suspend a license for violations of this chapter or for interference with a department representative in the performance of their duties under this chapter, as governed in Texas Health and Safety Code (HSC) §437B.202.

(2) Hearings. Any hearings for the refusal, revocation, or suspension of a license are governed by §§1.21, 1.23, 1.25, and 1.27 of this title (relating to Formal Hearing Procedures) or under the provisions of the Texas Government Code Chapter 2001, Administrative Procedure Act.

(3) Reinstatement. A former license holder may apply for reinstatement of a suspended license by demonstrating corrections and controls are implemented to prevent future violations. The department may reinstate the license after the department has determined the MFV no longer poses a risk to public health and safety. The department may also require employees of an MFV to successfully complete a department-accredited training course on food safety principles before reinstatement of the license.

(4) Administrative penalties. Administrative penalties in Texas Health and Safety Code §437.018 and §437B.205, and in §229.261 of this title (relating to Assessment of Administrative Penalties), may be assessed for violations of this chapter.

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

Filed with the Office of the Secretary of State on April 29, 2026.

TRD-202601844
Cynthia Hernandez
General Counsel
Department of State Health Services
Effective date: May 19, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 834-6753

TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER E. SPECIAL CATEGORIES OF CONTRACTING

DIVISION 1. STATE SUPPORT SERVICES - MAIL AND PRINTING

34 TAC §20.381

The Comptroller of Public Accounts adopts amendments to §20.381, concerning policy and purpose, without changes to the proposed text as published in the January 30, 2026, issue of the *Texas Register* (51 TexReg 534). The rule will not be republished.

The comptroller amends subsection (a) to remove passive voice and unnecessary language and clarify the comptroller's role for providing interagency mail and messenger services between state agencies in Travis County.

The comptroller amends subsection (b) to remove passive voice and streamline language. The revised language provides that mail and messenger service will not deliver personal mail. In addition, the revised subsection states that mail and messenger service will not deliver packages weighing more than 70 pounds.

The comptroller amends subsection (c) to remove passive voice and simplify language, and state when the mail and messenger service will deliver state warrants.

The comptroller amends subsection (d) to remove passive voice and streamline language, and states that mail will be delivered to and from the United States Postal Service upon agreement of the state agency and the comptroller.

The comptroller amends subsection (e) to remove passive voice and unnecessary language and provides the mail and messenger service will process and meter outgoing mail for state agencies upon agreement of the state agency and the comptroller. This section is also amended to state each state agency shall pay for its own postage and obligations if there is a deficit.

The comptroller amends subsection (f) to delete passive voice and simplify language. In paragraph (1), the comptroller raises the threshold at or below which an agency may rely on a written justification of mail equipment purchases and service contracts from $10,000 to $25,000. In paragraph (2), the comptroller raises the corresponding threshold above which an agency must present a detailed analysis of costs and benefits for mail equipment purchases and service contracts from $10,000 to $25,000. The $25,000 threshold aligns with the requirement for posting of a solicitation in Government Code, §2155.083, along with other formal procurement requirements.

The comptroller amends subsection (g) to delete passive voice and unnecessary language, and to specify how state agencies may pay for postage on a meter rented under a term contract. The subsection provides that the comptroller may establish statewide contracts for postage meter machine rentals. And the subsection provides that state agencies that use these statewide contracts may purchase and pay for postage separately, in accordance with the requirements of United States Postal Service Domestic Mail Manual.

The comptroller did not receive any comments regarding adoption of the amendment.

These amendments are adopted under Government Code, §2176.110 which provides that the comptroller shall adopt rules for state agencies to implement Government Code, Chapter 2176 regarding mail, and under Government Code, §2113.103(c) which provides that the comptroller by rule shall adopt procedures for the payment of postage by an agency renting a postage meter machine.

These amendments implement Government Code, Chapter 2176 and Government Code, §2113.103.

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

Filed with the Office of the Secretary of State on May 1, 2026.

TRD-202601863
Don Neal
General Counsel, Operations and Support Legal Services
Comptroller of Public Accounts
Effective date: May 21, 2026
Proposal publication date: January 30, 2026
For further information, please call: (512) 475-2220

♦ ♦ ♦

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LICENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1

The Texas Board of Occupational Therapy Examiners adopts an amendment to 40 Texas Administrative Code §374.1, Disciplinary Actions. The amendment is adopted without changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2018) and will not be republished.

The amendment to §374.1 corrects a typographical error to replace "4safety" with "safety" in subsection (d)(1)(B) of the section. The amendment is adopted to correct the typographical error in the provision.

No comments were received regarding adoption of the amendments.

The amendment is adopted under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. The amendment is also adopted under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter, and under §454.3521, which authorizes the Board to impose an administrative penalty, not to exceed $200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter.

No other statutes, articles, or codes are affected by the amendment.

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

Filed with the Office of the Secretary of State on May 1, 2026.

TRD-202601868
Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
Effective date: June 1, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 305-6900

♦ ♦ ♦

TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 9. CONTRACT AND GRANT MANAGEMENT
SUBCHAPTER B. CONTRACTS FOR HIGHWAY PROJECTS
43 TAC §§9.12 - 9.15, 9.17

The Texas Department of Transportation (department) adopts amendments to §§9.12 - 9.15 and §9.17, relating to Contracts for Highway Projects. The amendments to §§9.12 - 9.15 are adopted without changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 878) and will not be republished. The amendments to §9.17 are adopted with changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 878) and will be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The purpose of this rulemaking is to clarify the rules of the Texas Transportation Commission (commission) concerning qualification of bidders, submittal and acceptance of bids, and award of contracts for highway projects administered by the department.

Amendments to §9.12, Qualification of Bidders, clarify that the "date of the financial statement" for the beginning of the 12-month period of prequalification refers to the "balance sheet date" to eliminate confusion. The amendments also clarify that only independent certified public accountancy firms may provide attest services, in accordance with Texas Occupations Code, §901.451. For bidders qualifying under the Confidential Questionnaire, the rules currently grant a three-month grace period to allow bidders to prepare and submit updated financial information for the coming year's qualification. A longer grace period may be needed when a submittal is dependent on the completion of a parent company's financial information. The amendments extend the grace period to four months for all qualification levels, including qualification under the Confidential Questionnaire.

Amendments to §9.13, Notice of Letting and Issuance of Proposal Forms, standardize references to "the electronic bidding system" for clarity and consistency.

Amendments to §9.14, Submittal of Bid, clarify that, consistent with paper bid bonds, electronic bid bonds must be issued by authorized sureties, include the surety's seal, and be dated on or before the date of bid opening. The amendments also standardize references to "the electronic bidding system" for clarity and consistency.

Amendments to §9.15, Acceptance of Bids, allow a bid to be considered nonresponsive if the department discovers a discrepancy prior to contract award. Before recommending award of a contract, the department verifies information certified by the bidder. Currently, the department may consider a bid nonresponsive if the bidder fails to acknowledge a certification; however, there is no recourse short of rejecting all bids if the department discovers a discrepancy with a certification prior to award of the contract. The amendments allow the department to consider a bid to be nonresponsive in such a situation.

Amendments to §9.17, Award of Contract, authorize the department to delay its notification of contract award pending the resolution of railroad access agreements, third-party financial clearances, or other conditions that are not in the best interest of the state to address the situations in which there are requirements that restrict the department from proceeding immediately with contract execution.

COMMENTS

The department posted the rules for comment in the February 13, 2026, issue of the *Texas Register* and received comments through March 15, 2026. The department received one comment.

The Associated General Contractors of Texas proposed a slight modification to language in §9.17(k) regarding the department's practice of delaying the release of contracts pending resolution of a railroad agreement, third party funding or concurrence, and other conditions in the best interest of the state. The department has modified the proposed language to replace the phrase "the department will delay notification" with "the department may delay notification" to support the practice of allowing a conditional release of the contract with restrictions of work areas.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §223.004, which authorizes the commission to adopt rules to prescribe conditions under which a bid may be rejected by the department and Transportation Code, §223.014, which requires the commission to adopt rules relating to a bid guaranty.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, Chapter 223, Subchapter A.

§9.17. Award of Contract.

(a) The commission may reject any and all bids opened, read, and tabulated under §9.15 and §9.16 of this subchapter (relating to Acceptance of Bids and Tabulation of Bids, respectively). It will reject all bids if:

(1) there is reason to believe collusion may have existed among the bidders;

(2) the lowest bid is higher than the department's estimate and the commission determines that re-advertising the project for bids may result in a significantly lower low bid;

(3) the lowest bid is higher than the department's estimate and the commission determines that the work should be done by department forces; or

(4) the lowest bid is determined to contain a bid error that meets the notification requirements contained in §9.16(e)(1) of this subchapter and satisfies the criteria contained in §9.16(e)(2) of this subchapter.

(b) Except as provided in subsection (c), (d), (e), or (f) of this section, if the commission does not reject all bids, it will award the contract to the lowest bidder.

(c) In accordance with Government Code, Chapter 2252, Subchapter A, the commission will not award a contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of:

(1) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which:

(A) the nonresident's principal place of business is located; or

(B) the nonresident is a resident manufacturer; or

(2) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing related to the contract will be performed.

(d) For a maintenance contract for a building or a segment of the state highway system involving a bid amount of less than $300,000, if the lowest bidder withdraws its bid after bid opening, the executive director may recommend to the commission that the contract be awarded to the second lowest bidder.

(1) For purposes of this subsection, the term "withdrawal" includes written withdrawal of a bid after bid opening, failure to provide the required insurance or bonds, or failure to execute the contract.

(2) The executive director may recommend award of the contract to the second lowest bidder if he or she, in writing, determines that the second lowest bidder is willing to perform the work at the unit bid prices of the lowest bidder; and

(A) the unit bid prices of the lowest bidder are reasonable, and delaying award of the contract may result in significantly higher unit bid prices;

(B) there is a specific need to expedite completion of the project to protect the health or safety of the traveling public; or

(C) delaying award of the contract would jeopardize the structural integrity of the highway system.

(3) The commission may accept the withdrawal of the lowest bid after bid opening if it concurs with the executive director's determinations.

(4) If the commission awards a contract to the second lowest bidder and the department successfully enters into a contract with the second lowest bidder, the department will return the lowest bidder's bid guaranty upon execution of that contract.

(e) If the lowest bidder is not a preferred bidder and the contract will not use federal funds, the department, in accordance with Transportation Code, Chapter 223, Subchapter B, will award the contract to the lowest-bidding preferred bidder if that bidder's bid does not exceed the amount equal to 105% of the lowest bid. For purposes of this subsection, "preferred bidder" means a bidder whose principal place of business is in this state or a state that borders this state and that does not give a preference similar to Transportation Code, §223.050.

(f) When additional information is required to make a final decision, the commission may defer the award or rejection of the contract until the next regularly scheduled commission meeting.

(g) Contracts with an engineer's estimate of less than $1 million may be awarded or rejected by the executive director under the same conditions and limitations as provided in subsections (a) - (c) of this section.

(h) The commission may rescind the award of any contract prior to contract execution upon a determination that it is in the best interest of the state. The executive director may rescind the award of a contract awarded under subsection (g) of this section prior to contract execution upon a determination that it is in the best interest of the state. If a contract is rescinded under this subsection, the bid guaranty will be returned to the bidder, but no compensation will be paid to the bidder as a result of the rescission.

(i) For a contract with a DBE goal, all bidders must submit the DBE information required by §9.227 of this chapter (relating to Information from Bidders) within five calendar days after the date that the bids are opened.

(j) Prior to contract award, all low bidders must be participating or provide documentation of participation in the DHS E-Verify system within five calendar days after the date that the bids are opened.

(k) Upon the award or rejection of a contract by the commission, the department will provide the low bidder written notification of the award or rejection. When applicable, the department may delay notification of the award of a contract pending resolution of:

(1) an access agreement between the department and a railroad,

(2) an agreement between the department and a third party participating with funding or concurrence, or

(3) other conditions that are not in the best interest of the state.

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

Filed with the Office of the Secretary of State on April 30, 2026.

TRD-202601851
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Effective date: May 20, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 416-2560

♦ ♦ ♦

CHAPTER 28. OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

SUBCHAPTER B. HIGHWAY CROSSINGS BY OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

43 TAC §28.11, §28.12

The Texas Department of Transportation (department) adopts amendments to §28.11, Surety Bond, and §28.12, Preparation of Contract. The amendments to §28.11 and §28.12 are adopted without changes to the proposed text as published in the February 13, 2026 issue of the *Texas Register* (51 TexReg 885) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

During the 89th Legislative Session, the legislature passed Senate Bill (S.B.) 995, which removed the requirement that the surety bond for a contract authorizing an oversize or overweight vehicle to cross a road or highway be approved by the Comptroller of Public Accounts and the Attorney General's Office.

Amendments to §28.11, Surety Bond, remove the requirement that the state treasurer and the attorney general approve the surety bond and provide that the bonds must be approved by the department to align the rule with the statute. Additional changes are made to clarify the requirements of the section; those changes do not change the substance of the section.

Amendments to §28.12, Preparation of Contract, modify subsection (e) by removing the requirement that the surety bond be approved by the attorney general and the comptroller of public accounts to align the rule with the statute and eliminating language that is redundant of that in §28.11.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §623.051, which requires the commission to adopt rules relating to the forms and procedures to be used for contracts for crossing roads.

The authority for the adopted amendments is provided by S.B. 995, 89th Regular Session, 2025. The primary author and the primary sponsor of that bill are Sen. Robert Nichols and Rep. Dennis Paul, respectively.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, Chapter 623, Subchapter C.

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

Filed with the Office of the Secretary of State on April 30, 2026.

TRD-202601852
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Effective date: May 20, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 925-7436



REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting Chapter 61, Subchapters A and B, continue to exist.

The public comment period on the review begins May 15, 2026, and ends at 5:00 p.m. on June 15, 2026. A form for submitting public comments on the proposed rule review is available on the TEA website at https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/state-board-of-education-rule-review. The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in June 2026 in accordance with the SBOE board operating policies and procedures.

TRD-202601877
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: May 4, 2026

♦ ♦ ♦

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 61, School Districts, Subchapter AA, Commissioner's Rules on School Finance; Subchapter BB, Commissioner's Rules on Reporting Requirements; Subchapter CC, Commissioner's Rules Concerning School Facilities; Subchapter DD, Commissioner's Rules Concerning Missing Child Prevention and Identification Programs; Subchapter FF, Commissioner's Rules Concerning Veterans and Military Dependents; Subchapter HH, Commissioner's Rules Concerning Classroom Supply Reimbursement Program; Subchapter JJ, Commissioner's Rules Concerning Automatic College Admission; and Subchapter KK, Commissioner's Rules on County Boards of Education, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 61 continue to exist. The public comment period on the review begins May 15, 2026, and ends June 15, 2026. A form for submitting public comments on the proposed rule review is available on the TEA website at https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review.

TRD-202601878
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: May 4, 2026

♦ ♦ ♦

Adopted Rule Reviews

Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 302, IDD-BH Training

Notice of the review of this chapter was published in the February 27, 2026, issue of the *Texas Register* (51 TexReg 1314) for public comment.

The 31-day comment period ended March 30, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 302 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 302. Any amendments, if applicable, to Chapter 302 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register.*

This concludes HHSC's review of 26 TAC Chapter 302 as required by Texas Government Code §2001.039.

TRD-202601873
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 4, 2026

♦ ♦ ♦

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 560, Denial or Refusal of License

Notice of the review of this chapter was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1430) for public comment.

The 31-day comment period ended April 6, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 560 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 560. Any amendments, if applicable, to Chapter 560 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 560 as required by Texas Government Code §2001.039.

TRD-202601874
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 4, 2026

♦ ♦ ♦

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 711, Investigations of Individuals Receiving Services from Certain Providers

Notice of the review of this chapter was published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1720) for public comment.

The 31-day comment period ended April 13, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 711 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 711. Any amendments, if applicable, to Chapter 711 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 711 as required by Texas Government Code §2001.039.

TRD-202601875
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 4, 2026

♦ ♦ ♦

Texas Department of Transportation

Title 43, Part 1

The Texas Department of Transportation (department) files notice of the completion of review and the readoption of Title 43 TAC, Part 1, Chapter 10, Ethical Conduct by Entities Doing Business with the Department, Chapter 11, Design, Chapter 12, Public Donation and Participation Program, Chapter 13, Materials Quality, Chapter 15, Financing and Construction of Transportation Projects, Chapter 16, Planning and Development of Transportation Projects, Chapter 21, Right of Way, and Chapter 22, Use of State Property.

The department received no comments on the proposed rule review, which was published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 965). The department has reviewed the listed rules and determined that the reasons for adopting them, except for §12.5, Landscape Cost Sharing Program, continue to exist. The department determined that the Landscape Cost Sharing Program has not been funded for several years and is redundant of other programs of the department and, therefore, §12.5 is unnecessary. The Texas Transportation Commission (commission) proposed the repeal of §12.5 at its meeting held on March 25, 2026.

This review and readoption have been conducted in accordance with Government Code, §2001.039.

The commission readopts Title 43 Texas Administrative Code, Part 1, Chapters 10, 11, 13, 15, 16, 21, and 22 and Chapter 12, except for §12.5.

TRD-202601850
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: April 30, 2026

♦ ♦ ♦

TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §110.10(f)(1)

Required Literary Works List – Kindergarten

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN	Designated Read Aloud
Kinder	Anansi the Spider: A Tale from the Ashanti	Gerald McDermott	978-0805003116	Read Aloud
Kinder	April Rain Song	Langston Hughes		Read Aloud
Kinder	The Bald Eagle	Norman Pearl	978-1404826458	Read Aloud
Kinder	The Berenstain Bears and the Golden Rule	Stan Berenstain	978-0310712473	Read Aloud
Kinder	Blueberries for Sal	Robert McCloskey	978-0670175918	Read Aloud
Kinder	The Cat in the Hat	Dr. Seuss	978-0394800011	Read Aloud
Kinder	Chicka Chicka Boom Boom	Bill Martin Jr. and John Archambault	978-0689835681	Read Aloud
Kinder	Cinderella	Marcia Brown	978-0689814747	Read Aloud
Kinder	Classic Nursery Rhymes (selected excerpts: Baa Baa Black Sheep, Hey Diddle Diddle, Hickory Dickery Dock, Humpty Dumpty, Jack and Jill, Little Boy Blue, Little Miss Muffet, Mary Had a Little Lamb, Old King Cole, One Two Buckle My Shoe)	Nicola Baxter (compiler)	978-1843228370	Read Aloud
Kinder	George Washington and the Cherry Tree (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	Goldilocks and the Three Bears	Jim Aylesworth	978-0439674065	Read Aloud
Kinder	The Grasshopper and the Ants	Jerry Pinkney (retold from Aesop)	978-0316400817	Read Aloud
Kinder	How Grandmother Spider Brought Fire (A Choctaw Story) (Excerpt from A Year Full of Stories: 52 Folktales and Legends from Around the World)	Angela McAllister	978-1847808684	Read Aloud
Kinder	The Keeping Quilt	Patricia Polacco	978-0689844478	Read Aloud
Kinder	L is for Lone Star: A Texas Alphabet	Carol Crane	978-1585360192	Read Aloud
Kinder	The Little Red Hen (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	The Lion and the Mouse (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud

Kinder	Luna Loves Art	Joseph Coelho	978-1684640461	Read Aloud
Kinder	A Picture Book of George Washington	David A. Adler	978-0823440597	Read Aloud
Kinder	A Picture Book of Thomas Alva Edison	David A. Adler	978-0823414147	Read Aloud
Kinder	The Runaway Bunny	Margaret Wise Brown	978-0064430180	Read Aloud
Kinder	The Snowy Day	Ezra Jack Keats	978-0670654000	Read Aloud
Kinder	The Three Little Pigs	Paul Galdone	978-0899192758	Read Aloud
Kinder	The Tortoise and the Hare (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	The Very Hungry Caterpillar	Eric Carle	978-0399208539	Read Aloud
Kinder	You Are Special	Max Lucado	978-1433522673	Read Aloud

Figure: 19 TAC §110.10(f)(2)

Required Literary Works List – First Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN	Designated Read Aloud
Grade 1	Abe Lincoln: The Boy Who Loved Books	Kay Winters	978-1416912682	Read Aloud
Grade 1	Abuela	Arthur Dorros	978-0140562255	Read Aloud
Grade 1	Ada Twist, Scientist	Andrea Beaty	978-1419721373	Read Aloud
Grade 1	Amelia Bedelia's First Day of School	Herman Parish	978-0061544576	Read Aloud
Grade 1	A Beautiful Day in the Neighborhood (selected excerpts: Won't You Be My Neighbor, I Like You As You Are, Children Can, Smile in Your Pocket, Take My Time, What Can You Hear?, I'd Like to Be Like Mom and Dad, Summer Rain, Are You Brave?, The King and the Ocean, Then You Heart is Full of Love, The Truth Will Make You Free, You're Special, Perfect Day, I'm Proud of You)	Fred Rogers	978-1683693178	Read Aloud
Grade 1	The Boy Who Cried Wolf (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 1	Classic Nursery Rhymes (selected excerpts: Jack Be Nimble, Peter Peter Pumpkin Eater, Simple Simon, Sing a Song of Sixpence, There Was an Old Woman, Twinkle Twinkle Little Star, Yankee Doodle)	Nicola Baxter	978-1843228370	Read Aloud
Grade 1	Curious About the White House	Kate Waters	978-0399541452	Read Aloud
Grade 1	Daniel Boone (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Read Aloud
Grade 1	Danny and the Dinosaur	Syd Hoff	978-0064440028	Read Aloud
Grade 1	Davy Crockett (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Read Aloud
Grade 1	The Hare in the Moon (excerpt from A Year Full of Stories: 52 Folktales and Legends from All Around the World Volume 1)	Angela McAllister	978-1847808684	Read Aloud
Grade 1	The Fox and the Grapes (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	Read Aloud

Grade 1	Invitation (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	Read Aloud
Grade 1	Jack and the Beanstalk	Thomas Nelson	978-1646431847	Read Aloud
Grade 1	The Legend of the Bluebonnet	Tomie DePaola	978-0698113596	Read Aloud
Grade 1	The Life of Paul Revere	Maria Nelson	978-1433966576	Read Aloud
Grade 1	The Little Engine That Could	Watty Piper	978-0448405209	Read Aloud
Grade 1	Madeline	Ludwig Bemelmans	978-0140564396	Read Aloud
Grade 1	Medio Pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Read Aloud
Grade 1	Noah's Ark	Peter Spier	978-0385094733	Read Aloud
Grade 1	Now and Ben: The Modern Inventions of Benjamin Franklin	Gene Barretta	978-0312535698	Read Aloud
Grade 1	A Picture Book of Frederick Douglass	David A. Adler	0823412059	Read Aloud
Grade 1	Pocahontas (Excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Read Aloud
Grade 1	Rapunzel (excerpt from Usborne Illustrated Grimm's Fairy Tales)	Gill Doherty	978-0746098547	Read Aloud
Grade 1	Red Riding Hood	James Marshall	978-0140546934	Read Aloud
Grade 1	The Tale of Peter Rabbit	Beatrix Potter	978-0723247708	Read Aloud
Grade 1	The Ugly Duckling	Hans Christian Anderson (adapted and illustrated by Jerry Pinkney)	978-0688159320	Read Aloud
Grade 1	Wolf in Sheep's Clothing (Excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	Read Aloud

Figure: 19 TAC §110.10(f)(3)

Required Literary Works List – Second Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN	Designated Read Aloud
Grade 2	America Is...	Louise Borden	978-1416902867	Read Aloud
Grade 2	Beauty and the Beast	Marianna Mayer	978-0689711510	Read Aloud
Grade 2	Bluebonnet at the Alamo	Mary Brooke Casad	978-1681793634	Read Aloud
Grade 2	The Courage of Sarah Noble	Alice Dalgliesh	978-0689715402	Read Aloud
Grade 2	David and Goliath (excerpt from The Children's Book of Heroes)	William J. Bennett (editor)	978-0684834450	Read Aloud
Grade 2	The Donkey in the Lion's Skin (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	Read Aloud
Grade 2	Falling Up (excerpt from Falling Up)	Shel Silverstein	978-0060248024	Read Aloud
Grade 2	James Madison: The 4th President	Josh Gregory	978-1642808216	Read Aloud
Grade 2	John Henry	Julius Lester	978-0140566222	Read Aloud
Grade 2	Johnny Appleseed	Steven Kellogg (retold and illustrated by)	978-0688140250	Read Aloud
Grade 2	The Legend of the Dipper (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 2	Paul Bunyan	Steven Kellogg (retold and illustrated by)	978-0688058005	Read Aloud
Grade 2	Moses: When Harriet Tubman Led Her People to Freedom	Carole Boston Weatherford	978-0786851751	Read Aloud
Grade 2	The Mouse and the Motorcycle	Beverly Cleary	978-0380709243	Read Aloud
Grade 2	The Patchwork Quilt	Valerie Flournoy	978-0803700970	Read Aloud
Grade 2	Sam The Minuteman	Nathaniel Benchley	978-0060204808	Read Aloud
Grade 2	Stellaluna	Janell Cannon	978-0544874350	Read Aloud
Grade 2	Susan B. Anthony	Laura K. Murray	978-1977126603	Read Aloud
Grade 2	The Swing	Robert Louis Stevenson		Read Aloud
Grade 2	Teammates	Peter Golenbock	978-0152842864	Read Aloud
Grade 2	The Thanksgiving Story	Alice Dalgliesh	978-0689710537	Read Aloud
Grade 2	Try, Try Again (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud

Grade 2	We the Kids: The Preamble to the Constitution of the United States	David Catrow	978-0142402764	Read Aloud
Grade 2	Winnie-the-Pooh (Chapter 1 "In Which We Are Introduced to Winnie-the-Pooh and Some Bees, and the Stories Begin" and Chapter 2 "In Which Pooh Goes Visiting and Gets into a Tight Place")	A. A. Milne	978-0525555315	Read Aloud

Figure: 19 TAC §110.10(f)(4)

Required Literary Works List – Third Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN	Designated Read Aloud
Grade 3	Abraham Lincoln (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Archimedes and the Door of Science (Chapter 1 "Who was Archimedes?", Chapter 4 "Archimedes and his Lever", Chapter 9 "Archimedes and Numbers")	Jeanne Bendick	978-1684222599	Read Aloud
Grade 3	Charlotte's Web	E. B. White	978-0064400558	
Grade 3	Enemy Pie	Derek Munson	978-0811827782	
Grade 3	The Fisherman and His Wife	Rachel Isadora	978-0399247712	
Grade 3	George Washington (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Hercules and the Wagoner (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 3	Icarus and Daedalus (excerpt from Classic Myths to Read Aloud: The Great Stories of Greek and Roman Mythology)	William F. Russell	978-0517570128	Read Aloud
Grade 3	King Midas and the Golden Touch	Charlotte Craft	978-0060540630	Read Aloud
Grade 3	ROAR! – Daniel and the Lion's Den – Children's Adapted Version	CBN	978-1629997407	Read Aloud
Grade 3	Miss Rumphius	Barbara Cooney	978-0140505399	
Grade 3	Seeker of Knowledge: The Man Who Deciphered Egyptian Hieroglyphs	James Rumford	978-0618333455	Read Aloud
Grade 3	Smart (excerpt from A Light in the Attic)	Shel Silverstein	978-0061905858	
Grade 3	The Shepherd Boy and the Wolf (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	
Grade 3	Stone Soup	Marcia Brown	978-0689711039	
Grade 3	The Story of Benjamin Franklin: An Inspiring Biography for Young Readers	Shannon Anderson	978-1647398217	
Grade 3	Stuart Little	E.B. White	978-0064400565	Read Aloud

Grade 3	Thomas Jefferson (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Tomas and the Library Lady	Pat Mora	978-0375803499	
Grade 3	Too Many Tamales	Gary Soto	978-0698114128	
Grade 3	The Town Mouse and the Country Mouse (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	
Grade 3	What Do You Do with a Problem?	Kobi Yamada	978-1943200009	
Grade 3	The Wind in the Willows (Chapters "The River Bank", "The Open Road", "The Wild Wood", and "Mr. Badger")	Kenneth Grahame	978-0451530141	

Figure: 19 TAC §110.10(f)(5)

Required Literary Works List – Fourth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN	Designated Read Aloud
Grade 4	The Ant and the Dove (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	
Grade 4	The Boy Who Harnessed the Wind (Picture Book Edition)	William Kamkwamba and Bryan Mealer	979-8217111121	
Grade 4	Brave Irene	William Steig	978-0312564223	
Grade 4	Dreams	Langston Hughes		
Grade 4	Number the Stars	Lois Lowry	978-0547577098	
Grade 4	The Road Not Taken	Robert Frost		
Grade 4	Robin Hood and the Golden Arrow (excerpt from Robin Hood and the Golden Arrow and Other Legends, pages 11-21)	Geraldine McCaughrean	978-1444002362	
Grade 4	Sea Fever	John Masefield		
Grade 4	St. George and the Dragon (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	
Grade 4	Stone Fox	John Reynolds Gardiner	978-0064401326	
Grade 4	The Story of King Arthur and His Knights (Part 1 "The Winning of Kinghood" Chapters 1 and 2)	Howard Pyle (adapted by Tania Zamorsky)	978-1454945314	Read Aloud
Grade 4	Sundiata: The Lion King of Mali	David Wisniewski	978-0395764817	
Grade 4	Thunderstorm in Church	Louise A. Vernon	978-0836117394	
Grade 4	Treasure Island (Classic Adventures)	Robert Louis Stevenson (adapted by Jacqueline Dembar Greene)	978-1946260260	
Grade 4	Who Was Leonardo Da Vinci? (Chapter 1 "Who Was Leonardo DaVinci?", Chapter 2 "The Unwanted Boy", Chapter 3 "The Art Studio" and Chapter 4 "The Wider World")	Roberta Edwards	978-0448443010	
Grade 4	The Necessity of Humility (Book of Luke, Chapter 14, Verses 7-11)	New International Reader's Version: New Testament	978-0310445906	

Figure: 19 TAC §110.10(f)(6)

Required Literary Works List – Fifth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	Title	Author	ISBN
Grade 5	Adventures of Don Quixote (Dover Children's Thrift Classics)	Argentina Palacios	978-0486407913
Grade 5	Casey at the Bat	Ernest Lawrence Thayer	
Grade 5	The Colonization of Texas: Missions and Settlers	Stephanie Kuligowski	978-1433350443
Grade 5	Declaration of Independence in Translation: What It Really Means	Amy Jane Leavitt	978-1515762508
Grade 5	“Give Me Liberty or Give Me Death” (speech to the Second Virginia Convention)	Patrick Henry	
Grade 5	The Lion, the Witch and the Wardrobe	C. S. Lewis	978-0064471046
Grade 5	Independence Bell – July 4, 1776	Anonymous	
Grade 5	The Mayflower Compact	William Brewster, William Bradford, Edward Winslow	
Grade 5	The Monkey and the Camel (excerpts from Aesop’s Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003
Grade 5	A More Perfect Union: The Story of Our Constitution	Betsy Maestro	978-0688101923
Grade 5	Moses (Book of Exodus, Chapter 3: The Burning Bush and Book of Exodus, and Chapter 14: The Parting of the Red Sea)	New International Reader’s Version: Hebrew Bible/Old Testament	978-0310445906
Grade 5	Paul Revere’s Ride	Henry Wadsworth Longfellow	
Grade 5	The Phantom Tollbooth	Norton Juster	978-0394820378
Grade 5	Sam Houston: A Fearless Statesman	Joanne Mattern	978-1433350498
Grade 5	Thomas Jefferson Third President 1801-1809	Mike Venezia	978-0516226088
Grade 5	Who was Davy Crockett? (Chapter 1 "Who was Davy Crockett?")	Gail Herman	978-0448467047

Figure: 19 TAC §110.30(f)(1)

Required Literary Works List – Sixth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 6	Across Five Aprils	Irene Hunt	978-0425182789
Grade 6	├── Abraham Lincoln, a Man of Faith and Courage: Stories of Our Most Admired President (Chapter 7 "The Road Back to God")	Joe Wheeler	978-1982116514
Grade 6	├── The Blue and The Gray	Francis Miles Finch	
Grade 6	├── The Gettysburg Address	Abraham Lincoln	
Grade 6	└── General Order 108 to the "Soldiers of the Armies of the United States"	Ulysses S. Grant	
Grade 6	All Creatures Great and Small	James Herriot	978-1250057839
Grade 6	├── The Power of the Dog	Rudyard Kipling	
Grade 6	├── A White Heron	Sarah Orne Jewett	978-1479462186
Grade 6	├── Do Not Be Anxious (Book of Matthew, Chapter 6, Verses 25-34)	English Standard Version: New Testament	979-8874903398
Grade 6	└── The Peace of the Wild Things	Wendell Berry	

Figure: 19 TAC §110.30(f)(2)

Required Literary Works List – Seventh Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 7	The Diary of a Young Girl, translated from Dutch by B. M. Mooyart	Anne Frank, translated from the Dutch by B.M. Mooyaart	978-0000526359
Grade 7	├── Blessed is the Match	Hannah Szenes	
Grade 7	├── Letter to the Hebrew Congregation at Newport	George Washington	
Grade 7	└── The Shepherd's Psalm (Book of Psalms, Chapter 23)	King James Version: Hebrew Bible/Old Testament	978-0718097905
Grade 7	The Outsiders	S. E. Hinton	978-0142407332
Grade 7	├── The Eight Beatitudes (Book of Matthew, Chapter 5 Verses 1-12)	King James Version: New Testament	978-0718097905
Grade 7	├── Do Not Go Gentle Into That Good Night	Dylan Thomas	
Grade 7	├── Mother to Son	Langston Hughes	
Grade 7	├── Nothing Gold Can Stay	Robert Frost	
Grade 7	└── Thank You, M'am	Langston Hughes	978-0886824785

Figure: 19 TAC §110.30(f)(3)

Required Literary Works List – Eighth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 8	The Giver	Lois Lowry	978-0544336261
Grade 8	├–– Harrison Bergeron (excerpt from Welcome to the Monkey House)	Kurt Vonnegut	978-0385333504
Grade 8	├–– The Man in the Arena Passage (excerpt from Citizenship in a Republic speech by Teddy Roosevelt in 1910)	Teddy Roosevelt	
Grade 8	├–– O Me! O Life!	Walt Whitman	
Grade 8	└— To Everything There is a Season (Book of Ecclesiastes, Chapter 3)	King James Version: Hebrew Bible/Old Testament	978-0718097905
Grade 8	Night	Elie Wiesel	978-0374500016
Grade 8	├––Book of Lamentations, Chapter 3	Tanakh: Jewish Publication Society 1917	
Grade 8	├––The Perils of Indifference (excerpt from White House Official Transcript at Remarks of Millenium evening)	Elie Wiesel	
Grade 8	└—The Survivor	Primo Levi	

Figure: 19 TAC §110.70(f)(1)

Required Literary Works List – English I

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English I	Animal Farm	George Orwell	978-0451526342
English I	├──The Clever Teens' Guide to the Russian Revolution	Felix Rhodes	978-1542689922
English I	├── I, Pencil	Leonard E. Read	978-1572462090
English I	├──Lyceum Address	Abraham Lincoln	
English I	└── Ozymandias	Percy Bysshe Shelley	
English I	Great Expectations	Charles Dickens	978-0486415864
English I	├──A Brief History of Life in Victorian Britain (excerpt Chapters 1, 2 and 6)	Michael Paterson	978-0762435180
English I	├──Love is not all	Edna St. Vincent Millay	
English I	└── Parable of the Prodigal Son (Book of Luke, Chapter 15, Verses 11-32)	English Standard Translation: New Testament	979-8874903398

Figure: 19 TAC §110.70(f)(2)

Required Literary Works List – English II

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English II	The Tragedy of Julius Caesar	William Shakespeare	979-8336837506
English II	├──General Douglas MacArthur's Farewell Speech to the Corps of Cadets at the U.S. Military Academy at West Point (excerpt paragraph 3: Duty, Honor, Country)	Douglas MacArthur	
English II	├── Eulogy for President Reagan	Margaret Thatcher	
English II	├── Pericles' Funeral Oration (excerpt of Book 2 from Chapters 34 - 46 of History of the Peloponnesian War)	Thucydides (edited by M.I. Finley and translated by Rex Warner)	978-0140440393
English II	└── The Raven	Edgar Allen Poe	
English II	The Inferno	Dante Alighieri	978-0451531391
English II	├──The Book of Job (Book of Job, Chapters 1-7,11,14,19,28,38-42)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
English II	├──I've Been to the Mountaintop	Martin Luther King, Jr.	
English II	└── Chapter 1 The 'Middle' Ages?, Chapter 2 People and Their Lifestyles, Chapter 3 The Big Idea: Christian Salvation, Chapter 4 Kingship, Lordship, and Government (excerpts from The Middle Ages: A Very Short Introduction)	Miri Rubin	978-0199697298

Figure: 19 TAC §110.70(f)(3)

Required Literary Works List – English III

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English III	Fahrenheit 451	Ray Bradbury	978-1451673319
English III	├──Dear Mr. McCarthy, I am very real (excerpt, Section 1 from Palm Sunday: An Autobiographical Collage)	Kurt Vonnegut	978-0385334266
English III	├──What is Capitalism? (excerpt, Section 1 from Capitalism, The Unknown Ideal)	Ayn Rand	
English III	├──Flattering Unction (excerpt, Chapter 1 from The Vision of the Anointed)	Thomas Sowell	978-0465089949
English III	└── The Veldt (excerpt from The Illustrated man)	Ray Bradbury	978-0006479222
English III	The Scarlet Letter	Nathaniel Hawthorne	978-0486280486
English III	├──Adam and Eve (Book of Genesis, Chapters 2 and 3	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
English III	├──The Minister's Black Veil	Nathaniel Hawthorne	979-8394407857
English III	└── We Wear the Mask	Paul Laurence Dunbar	

Figure: 19 TAC §110.70(f)(4)

Required Literary Works List – English IV

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN / LCCN
English IV	Hamlet	William Shakespeare	978-0743477123
English IV	├── Hamlet and His Problems (excerpt from The Sacred Wood: Essays on Poetry and Criticism)	T. S. Eliot	
English IV	├── If	Rudyard Kipling	
English IV	└── The Love Song of J. Alfred Prufrock	T. S. Eliot	
English IV	Pride and Prejudice	Jane Austen	978-0141439518
English IV	├--The Definition of Love (Book of 1 Corinthians, Chapter 13)	English Standard Version: New Testament	979-8874903398
English IV	├── “Hope” is the thing with feathers	Emily Dickinson	
English IV	├── The Parson’s Daughter of Oxney Colne	Anthony Trollope	978-1482079876
English IV	└── When I Was One-and-Twenty	A. E. Housman	

Figure: 19 TAC §128.10(f)(1)
Required Literary Works List – Kindergarten

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Kinder	Anansi the Spider: A Tale from the Ashanti	Gerald McDermott	978-0805003116	Anansi: En Busca de las Estrellas	Juan Diego González	979-8334061996	Read Aloud
Kinder	April Rain Song	Langston Hughes		Canción de la lluvia de abril	Langston Hughes		Read Aloud
Kinder	The Bald Eagle	Norman Pearl	978-1404826458	El águila de Estados Unidos	Dona Herweck Rice	978-1493829651	Read Aloud
Kinder	The Berenstain Bears and the Golden Rule	Stan Berenstain	978-0310712473	Los Osos Berenstain y La Regla de Oro	Stan Berenstain	978-0829758849	Read Aloud
Kinder	Blueberries for Sal	Robert McCloskey	978-0670175918	Arándanos para Sal	Robert McCloskey	978-8484703662	Read Aloud
Kinder	The Cat in the Hat	Dr. Seuss	978-0394800011	The Cat in the Hat/El Gato Ensombrerado (Bilingual English-Spanish Edition)	Dr. Suess	978-0553524437	Read Aloud
Kinder	Chicka Chicka Boom Boom	Bill Martin Jr. and John Archambault	978-0689835681	Chicka Chicka Bum Bum	Bill Martin Jr. and John Archambault	978-0439434515	Read Aloud
Kinder	Cinderella	Marcia Brown	978-0689814747	Cinderella/Cenicienta	Francesca Boada (adapted by)	978-0811830904	Read Aloud
Kinder	Classic Nursery Rhymes (selected excerpts: Baa Baa Black Sheep, Hey Diddle Diddle, Hickory Dickery Dock, Humpty Dumpty, Jack and Jill, Little Boy Blue, Little Miss Muffet, Mary Had a Little Lamb, Old King Cole, One Two Buckle My Shoe)	Nicola Baxter (compiler)	978-1843228370	La Madre Goose: Nursery Rhymes for los niños (Selected excerpts: Maria Had A Little Oveja, Baa Baa Black Oveja, This Little Cerdo Went to Market, Three Little Gatitos, Peter, Peter, Calabaza, Maria, Maria Without Alegria, Little Miss Amarilla, Young Juan Ramon, Monday's Niño, One Potato, Dos Potatoes)	Susan Middleton Elya	978-0399251573	Read Aloud

Kinder	George Washington and the Cherry Tree (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	George Washington y el cerezo (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	Goldilocks and the Three Bears	Jim Aylesworth	978-0439395458	Ricitos de oro y los tres osos	Candice Ransom	978-0769638157	Read Aloud
Kinder	The Grasshopper and the Ants	Jerry Pinkney (retold from Aesop)	978-0316400817	La cigarra y la hormiga y otras fábulas	Estudio PE S.A.C.	978-6070786365	Read Aloud
Kinder	How Grandmother Spider Brought Fire (A Choctaw Story) (Excerpt from A Year Full of Stories: 52 Folktales and Legends from Around the World)	Angela McAllister	978-1847808684	Cómo la abuela araña trajo fuego (excerpt from Historias para todo el año)	Angela McAllister	978-8467590814	
Kinder	The Keeping Quilt	Patricia Polacco	978-0689844478	La colcha de los recuerdos	Patricia Polacco	978-1880507544	Read Aloud
Kinder	L is for Lone Star: A Texas Alphabet	Carol Crane	978-1585360192	Todos al Rodeo! A Vaquero Alphabet Book	María Alma González Pérez	978-0982242278	Read Aloud
Kinder	The Little Red Hen (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La gallinita roja (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	The Lion and the Mouse (excerpt from The Children's Book of Virtues)	William J. Bennett	978-0684813530 (editor)	El león y el ratón (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	Luna Loves Art	Joseph Coelho	978-1684640461	A Luna le encanta el museo	Joseph Coelho and Fiona Lumbers	978-6075573175	Read Aloud
Kinder	A Picture Book of George Washington	David A. Adler	978-0823440597	George Washington: A Bilingual Biography for Kids / Una biografía bilingüe para niños (Bilingual Biographies)	Claudia Alonso	978-1960304384	Read Aloud
Kinder	A Picture Book of Thomas Alva Edison	David A. Adler	978-0823414147	Thomas Edison: La revolución de la luz	Nick Cimarusti	978-1087644523	Read Aloud

Kinder	The Runaway Bunny	Margaret Wise Brown	978-0064430180	El conejito andarín	Margaret Wise Brown	978-0060776947	Read Aloud
Kinder	The Snowy Day	Ezra Jack Keats	978-0670654000	The Snowy Day / Un día de nieve (English and Spanish Edition)	Ezra Jack Keats	978-1595192776	Read Aloud
Kinder	The Three Little Pigs	Paul Galdone	978-0899192758	The Three Little Pigs/ Los tres cerditos Bilingual Storybook	Patricia Seibert	978-0769638188	Read Aloud
Kinder	The Tortoise and the Hare (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La liebra y la tortuga (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	The Very Hungry Caterpillar	Eric Carle	978-0399208539	The Very Hungry Caterpillar/La oruga muy hambrienta (Bilingual English-Spanish Edition)	Eric Carle	978-0399256042	Read Aloud
Kinder	You Are Special	Max Lucado	978-1433522673	Tú eres especial	Max Lucado	978-0789907523	Read Aloud

Figure: 19 TAC §128.10(f)(2)

Required Literary Works List – First Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 1	Abe Lincoln: The Boy Who Loved Books	Kay Winters	978-1416912682	Soy Abraham Lincoln	Brad Meltzer	978-1543386028	Read Aloud
Grade 1	Abuela	Arthur Dorros	978-0140562255	Abuela	Arthur Dorros	978-0140562255	Read Aloud
Grade 1	Ada Twist, Scientist	Andrea Beaty	978-1419721373	Ada Magnífica, científica	Andrea Beaty	978-1644730348	Read Aloud
Grade 1	Amelia Bedelia's First Day of School	Herman Parish	978-0061544576	Amelia Bedelia	Peggy Parish	978-1880507759	Read Aloud
Grade 1	A Beautiful Day in the Neighborhood (selected excerpts: Won't You Be My Neighbor, I Like You As You Are, Children Can, Smile in Your Pocket, Take My Time, What Can You Hear?, I'd Like to Be Like Mom and Dad, Summer Rain, Are You Brave?, The King and the Ocean, Then You Heart is Full of Love, The Truth Will Make You Free, You're Special, Perfect Day, I'm Proud of You)	Fred Rogers	978-1683693178	El Vecindario de Quinito	Ina Cumpiano	978-0892392292	Read Aloud
Grade 1	The Boy Who Cried Wolf (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	El niño que gritó lobo (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud

Grade 1	Classic Nursery Rhymes (selected excerpts: Jack Be Nimble, Peter Peter Pumpkin Eater, Simple Simon, Sing a Song of Sixpence, There Was an Old Woman, Twinkle Twinkle Little Star, Yankee Doodle)	Nicola Baxter	978-1843228370	La Madre Goose: Nursery Rhymes for los Niños (selected excerpts: Little Boy Azul, Old Madre Rosario, The Itsy Arañita, ¿What are las niñas made of?, ¿What are los niños made of?, Hey Diddle Diddle, Twinkle Twinkle Small Estrella, I see Luna)	Susan Middleton Elya	978-0399251573	Read Aloud
Grade 1	Curious About the White House	Kate Waters	978-0399541452	La Casa Blanca	R. J. Bailey	978-1620315064	Read Aloud
Grade 1	Daniel Boone (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	La Leyenda de Daniel Boone	Eric Blair	978-1404816565	Read Aloud
Grade 1	Danny and the Dinosaur	Syd Hoff	978-0064440028	Danielito y el Dinosaurio	Syd Hoff	978-1933032382	Read Aloud
Grade 1	Davy Crockett (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Davy Crockett	Emma E. Haldy	978-1534133150	Read Aloud
Grade 1	The Hare in the Moon (excerpt from A Year Full of Stories: 52 classic stories from all around the world Volume 1)	Angela McAllister	978-1847808684	La liebre en la luna (excerpt from Historias para todo el año)	Angela McAllister	978-8467590814	Read Aloud
Grade 1	The Fox and the Grapes (excerpt from Aesop's Fables: The Classic Edition)	Charles Santore and Aesop	978-1604338102	El zorro y las uvas (excerpt from Fábulas de Esopo)	Aesop (illustrated by Charles Santore)	978-1400349326	Read Aloud
Grade 1	Invitation (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	Invitación (excerpt from Dónde el camino se corta)	Shel Silverstein	978-8440699626	Read Aloud
Grade 1	Jack and the Beanstalk	Thomas Nelson	978-1646431847	Jack and the Beanstalk, Grades PK - 3 Juan y los frijoles mágicos	Carol Ottolenghi	978-0769638164	Read Aloud

Grade 1	The Legend of the Bluebonnet	Tomie DePaola	978-0698113596	La Leyenda de la flor "el conejo" una antigua leyenda de Texas	Tomie dePaola	978-0590480505	Read Aloud
Grade 1	The Life of Paul Revere	Maria Nelson	978-1433966576	La Vida de Paul Revere	Maria Nelson	978-1433966576	Read Aloud
Grade 1	The Little Engine That Could	Watty Piper	978-0448405209	La pequeña locomotora que sí pudo	Watty Piper	978-0448451091	Read Aloud
Grade 1	Madeline	Ludwig Bemelmans	978-0140564396	Madeline	Ludwig Bemelmans (translated by Ernesto Livon Grosman)	978-0140557619	Read Aloud
Grade 1	Medio Pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Medio pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Read Aloud
Grade 1	Noah's Ark	Peter Spier	978-0385094733	El Arca de Noé	Peter Spier and Manu Manzano	978-8417114343	Read Aloud
Grade 1	Now and Ben: The Modern Inventions of Benjamin Franklin	Gene Barretta	978-0312535698	Benjamin Franklin	Emma E. Haldy	978-1534133143	Read Aloud
Grade 1	A Picture Book of Frederick Douglass	David A. Adler	0823412059	Frederick Douglass	Emma E. Haldy	978-1668964491	Read Aloud
Grade 1	Pocahontas (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Estadounidenses asombrosos: Pocahontas (Amazing Americans: Pocahontas)	Sharon Cohen	978-1493804399	Read Aloud
Grade 1	Rapunzel (excerpt from Usborne Illustrated Grimm's Fairy Tales)	Gill Doherty	978-0746098547	Rapunzel (excerpt from Cuentos ilustrados de los hermanos Grimm)	Gillian Doherty	978-1835406496	Read Aloud
Grade 1	Red Riding Hood	James Marshall	978-0140546934	Caperucita Roja	Teresa Mlawer	978-0988325333	Read Aloud

Grade 1	The Tale of Peter Rabbit	Beatrix Potter	978-0723247708	El cuento clásico de Pedrito, el conejo travieso (Little Apple Books) (Spanish Edition)	Beatrix Potter	978-1646430345	Read Aloud
Grade 1	The Ugly Duckling	Jerry Pinkney	978-0688159320	El patito feo	Arianna Candell	978-8494653193	Read Aloud
Grade 1	Wolf in Sheep's Clothing (excerpt from Aesop's Fables: The Classic Edition)	Charles Santore and Aesop	978-1604338102	El lobo con piel de oveja (excerpt from Fábulas de Esopo)	Aesop (illustrated by Charles Santore)	978-1400349326	Read Aloud

Figure: 19 TAC §128.10(f)(3)
Required Literary Works List – Second Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 2	America Is...	Louise Borden	978-1416902867	Mi bandera	Ellen K Mitten	978-1634301299	Read Aloud
Grade 2	Beauty and the Beast	Marianna Mayer	978-0689711510	Beauty and the Beast / La Bella y la bestia	Joana Costa Knufinke (adapted by)	979-8225030117	Read Aloud
Grade 2	Bluebonnet at the Alamo	Mary Brooke Casad	978-1681793634	El Álamo	R. J. Bailey	978-1620315163	Read Aloud
Grade 2	The Courage of Sarah Noble	Alice Dalgliesh	978-0689715402	El coraje de Sara Noble	Alice Dalgliesh	978-8427934627	Read Aloud
Grade 2	David and Goliath (excerpt from The Children's Book of Heroes)	William J. Bennett (editor)	978-0684834450	Un aventure gigantesca: David y Goliat	CBN	978-1629997810	Read Aloud
Grade 2	The Donkey in the Lion's Skin (Excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	El burro con piel de oveja (excerpt from Fábulas de Esopo)	Aesop (illustrated by Charles Santore)	978-1400349326	Read Aloud
Grade 2	Falling Up (excerpt from Falling Up)	Shel Silverstein	978-0060248024	Cayendo hacia arriba (excerpt from Cayendo hacia arriba)	Shel Silverstein (translated by Alberto Jimenez Rioja)	978-1933032801	Read Aloud
Grade 2	James Madison: The 4th President	Josh Gregory	978-1642808216	James Madison y la formación de los Estados Unidos	Torrey Maloof	979-8330902071	Read Aloud
Grade 2	John Henry	Julius Lester	978-0140566222	John Henry	Christianne C. Jones	978-1404821743	Read Aloud
Grade 2	Johnny Appleseed	Steven Kellogg (retold and illustrated by)	978-0688140250	La historia de Johnny Appleseed	Aliki	978-0962516269	Read Aloud

Grade 2	The Legend of the Dipper (excerpt from the Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La Leyenda de la Osa Mayor (excerpt from El Libro de virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Grade 2	Paul Bunyan	Steven Kellogg (retold and illustrated by)	978-0688058005	Paul Bunyan: un cuento fantástico	Eric Blair	978-1404816572	Read Aloud
Grade 2	Moses: When Harriet Tubman Led Her People to Freedom	Carole Boston Weatherford	978-0786851751	¿Quién Fue Harriet Tubman? (¿Quién fue a Harriet Tubman?, La Vida en Maryland, En busca de la estrella del Norte, La esposa de un hombre libre, ¡Al fin libre!, La Moises de su gente)	Yona Zeldis McDonough	978-1631138508	Read Aloud
Grade 2	The Mouse and the Motorcycle	Beverly Cleary	978-0380709243	El ratoncito de la moto	Beverly Cleary	978-0060000578	Read Aloud
Grade 2	The Patchwork Quilt	Valerie Flournoy	978-0803700970	Braids / Trencitas	Kathleen Contreras	978-1933032276	Read Aloud
Grade 2	Sam: The Minuteman	Nathaniel Benchley	978-0060204808	La Revolución Estadounidense: La lucha por la libertad	Torrey Maloof	978-0743913607	Read Aloud
Grade 2	Stellaluna	Janell Cannon	978-0544874350	Stellaluna	Janell Cannon	978-8426131577	Read Aloud
Grade 2	Susan B. Anthony	Laura K. Murray	978-1977126603	Estadounidenses asombrosos: Susan B. Anthony	Stephanie Kuligowski	978-1493804948	Read Aloud
Grade 2	The Swing	Robert Louis Stevenson		El Columpio	Robert Louis Stephenson		Read Aloud
Grade 2	Teammates	Peter Golenbock	978-0152842864	Jackie Robinson: Un héroe en el campo de béisbol	Stephanie Macceca	978-1433325786	Read Aloud
Grade 2	The Thanksgiving Story	Alice Dalgliesh	978-0689710537	El Primer día de acción de gracias	G. Jackson	978-0439317337	Read Aloud
Grade 2	Try, Try Again (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Try, Try Again Spanish Version (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud

Grade 2	We the Kids: The Preamble of the Constitution of the United States	David Catrow	978-0142402764	El Preámbulo: el espíritu de Estados Unidos	Lorin Driggs	978-1087622804	Read Aloud
Grade 2	Winnie-the-Pooh (Chapter 1 "In Which We Are Introduced to Winnie-the-Pooh and Some Bees, and the Stories Begin" and Chapter 2 "In Which Pooh Goes Visiting and Gets Into a Tight Place")	A. A. Milne	978-0525555315	Winny de Puh (Capítulo 1 "En el cual conocemos a Winny de Puh y a unas abejas," Capítulo 2 "En el cual Pooh va de visita y se encuentra en un aprieto"	A. A. Milne	978-0525449867	Read Aloud

Figure: 19 TAC §128.10(f)(4)
Required Literary Works List – Third Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 3	Abraham Lincoln (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Abraham Lincoln: 16th presidente de los Estados Unidos	Grace Hansen	978-1629703794	
Grade 3	Archimedes and the Door of Science (Chapter 1 "Who was Archimedes?," Chapter 4 "Archimedes and his Lever," Chapter 9 "Archimedes and Numbers")	Jeanne Bendick	978-1684222599	Arquímedes: Todo principio tiene un principio	Alvaro Marcos	978-8417137007	Read Aloud
Grade 3	Charlotte's Web	E. B. White	978-0064400558	La teleraña de Carlota	E. B. White	978-0060757403	
Grade 3	Enemy Pie	Derek Munson	978-0811827782	Pastel para enemigos	Derek Munson	978-8426133786	
Grade 3	The Fisherman and His Wife	Rachel Isadora	978-0399247712	El pescador y su mujer	Eric Blair (translated by Patricia Abello)	978-1404816305	
Grade 3	George Washington (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	George Washington	Donna Herweck	978-1433381324	
Grade 3	Hercules and the Wagoner (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Hércules y el carretero (excerpt from El libro de virtudes para niños)	WIlliam J. Bennett (editor)	978-8440665089	Read Aloud
Grade 3	Icarus and Daedalus (excerpt from Classic Myths to Read Aloud: The Great Stories of Greek and Roman Mythology)	William F. Russell	978-0517570128	Teseo y Ariadna (excerpt from Héroes de la mitología griega)	Luisa Mattia	978-8412804669	Read Aloud
Grade 3	King Midas and the Golden Touch	Charlotte Craft	978-0060540630	El Rey Midas	Margarita Ruiz	978-8478648955	Read Aloud

Grade 3	ROAR! – Daniel and the Lion's Den – Children's Adapted Version	CBN	978-1629997407	Daniel y la fosa de leones	Vidalibros	978-1949206005	Read Aloud
Grade 3	Miss Rumphius	Barbara Cooney	978-0140505399	La Senorita Runfio	Barbara Cooney	978-0670868315	
Grade 3	Seeker of Knowledge: The Man Who Deciphered Egyptian Hieroglyphs	James Rumford	978-0618333455	Explora tu mundo : El antiguo Egipto	Penelope Arlon	978-0545695152	Read Aloud
Grade 3	Smart (excerpt from A Light in the Attic)	Shel Silverstein	978-0061905858	Cayendo hacia arriba	Shel Silverstein (translated by Alberto Jimenez Rioja)	978-1933032801	
Grade 3	The Shepherd Boy and the Wolf (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	El pastorcito mentiroso	Kathleen Bradley	978-1433392870	
Grade 3	Stone Soup	Marcia Brown	978-0689711039	Sopa de piedras	Marcia Brown	978-0962516245	
Grade 3	The Story of Benjamin Franklin: An Inspiring Biography for Young Readers	Shannon Anderson	978-1647398217	Benjamin Franklin (Life Stories / Biografias)	Gillian Gosman	978-1448832194	
Grade 3	Stuart Little	E.B. White	978-0064400565	Stuart Little (Spanish Edition)	E.B. White	978-1644739020	Read Aloud
Grade 3	Thomas Jefferson (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Thomas Jefferson: Declarar nuestra libertad	Jane Dustman	978-1433325809	
Grade 3	Tomas and the Library Lady	Pat Mora	978-0375803499	Tomás y la señora de la biblioteca	Pat Mora	978-0679841739	
Grade 3	Too Many Tamales	Gary Soto	978-0698114128	Que montón de tamales	Gary Soto	978-0780769021	
Grade 3	The Town Mouse and the Country Mouse (excerpt from	Aesop (illustrated Charles Santore)	978-1604338102	El ratón de cuidad y el ratón de campo (excerpt from Fábulas de Esopo)	Aesop (illustrated	978-1400349326	

	Aesop's Fables: The Classic Edition)				Charles Santore)		
Grade 3	What Do You Do with a Problem?	Kobi Yamada	978-1943200009	¿Qué haces con un problema?	Kobi Yamada	978-8416490523	
Grade 3	The Wind in the Willows (Chapters "The River Bank," "The Open Road," "The Wild Wood," and "Mr. Badger")	Kenneth Grahame	978-0451530141	El viento en las sauces	Kenneth Grahame	978-1987627930	

Figure: 19 TAC §128.10(f)(5)
Required Literary Works List – Fourth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 4	The Ant and the Dove (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	La Paloma y la hormiga	European Language Institute	978-8881488018	
Grade 4	The Boy Who Harnessed the Wind (Picture Book Edition)	William Kamkwamba and Bryan Mealer	979-8217111121	El niño que domó el viento (Chapter 1 Cuando la magia dominaba el mundo Young Reader's Edition)	William Kamkwamba	978-1644732649	
Grade 4	Brave Irene	William Steig	978-0312564223	Irene, La Valiente	William Steig	978-0374436209	
Grade 4	Dreams	Langston Hughes		Sueños	Langston Hughes		
Grade 4	Number the Stars	Lois Lowry	978-0547577098	¿Quién cuenta las estrellas?	Lois Lowry	978-6070712579	
Grade 4	The Road Not Taken	Robert Frost		El Camino no elegido	Robert Frost		
Grade 4	Robin Hood and the Golden Arrow (excerpt from Robin Hood and the Golden Arrow and Other Legends, pages 11-21)	Geraldine McCaughrean	978-1444002362	Robin Hood (excerpt from El gran libro de los héroes y los aventureros)	Valeria Davila	978-9873503818	
Grade 4	Sea Fever	John Masefield		Fiebre marina	John Masefield		
Grade 4	St. George and the Dragon (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	San Jorge y el dragón (excerpt from El Libro de virtudes para niños)	WIlliam J. Bennett (editor)	978-8440665089	
Grade 4	Stone Fox	John Reynolds Gardiner	978-0064401326	Stone Fox y la carrera de trineos	John Reynolds Gardiner	978-8427932630	

Grade 4	The Story of King Arthur and His Knights (Part 1 "The Winning of Kinghood" Chapters 1 and 2)	Howard Pyle (adapted by Tania Zamorsky)	978-1454945314	King Arthur (English and Spanish Edition)	Benjamin Strickler	978-6072124400	Read Aloud
Grade 4	Sundiata: The Lion King of Mali	David Wisniewski	978-0395764817	Sunjata del imperio mandé	Ekiuwa Aire	978-1998041206	
Grade 4	Thunderstorm in the Church	Louise A. Vernon	978-0836117394	Marcelino pan y vino	José María Sánchez-Silva	978-0195010435	
Grade 4	Treasure Island (Classic Adventures)	Robert Louis Stevenson (adapted by Jacqueline Dembar Greene)	978-1946260260	La isla del tesoro	Sol y Lápiz	979-8280904040	
Grade 4	Who Was Leonardo Da Vinci? (Chapter 1 "Who Was Leonardo DaVinci?", Chapter 2 "The Unwanted Boy", Chapter 3 "The Art Studio" and Chapter 4 "The Wider World")	Roberta Edwards	978-0448443010	¿Quién fue Leonardo da Vinci? (Chapters 1 - 4)	Roberta Edwards	978-0448458571	
Grade 4	The Necessity of Humility (Luke 14:7-11)	New International Reader's Version: New Testament	978-0310445906	La necesidad de la humildad	Biblia Nueva Versión Internacional: El Nuevo Testamento	978-1535955102	Read Aloud

Figure: 19 TAC §128.10(f)(6)
Required Literary Works List – Fifth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN
Grade 5	Adventures of Don Quixote (Dover Children's Thrift Classics)	Argentina Palacios	978-0486407913	Don Quixote de la mancha (Children's Version)	Miguel Cervantes and Sol Y Lápiz	979-8280669802
Grade 5	Casey at the Bat	Ernest Lawrence Thayer		La historia de Casey al bate	Benchmark	
Grade 5	The Colonization of Texas: Missions and Settlers	Stephanie Kuligowski	978-1433350443	La colonización de Texas: Misiones y colonos	Stephanie Kuligowski	978-1433372117
Grade 5	Declaration of Independence in Translation: What It Really Means?	Amy Jane Leavitt	978-1515762508	La Declaración de la Independencia	Jill K. Mulhall	978-1493816491
Grade 5	"Give Me Liberty or Give Me Death" (speech to the Second Virginia Convention)	Patrick Henry		¡dadme libertad o dadme la muerte! (Translation)	Patrick Henry	
Grade 5	Independence Bell – July 4, 1776	Anonymous		Los símbolos de Estados Unidos / Symbols of the United States	VHL	978-1543386325
Grade 5	The Lion, the Witch and the Wardrobe	C. S. Lewis	978-0064471046	El leon, la bruja y el ropero	C. S. Lewis	978-0060086619
Grade 5	The Mayflower Compact	William Brewster, William Bradford, Edward Winslow		El pacto del Mayflower	David Armentrout and Patricia Armentrout	978-1595156488
Grade 5	The Monkey and the Camel (excerpts from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)-	978-1587170003	El mono y el camello (excerpt from Fábulas de Esopo: Volumen 3 (Spanish Edition))	Brightroots Creations	979-8244147490
Grade 5	A More Perfect Union: The Story of Our Constitution	Betsy Maestro	978-0688101923	Una unión más perfecta: La historia de nuestra constitución	Betsy Maestro	978-1880507292
Grade 5	Moses (Exodus 3: The Burning Bush and Exodus 14: the Parting of the Red Sea)	New International Reader's Version (NIRV) Bible	978-0310445906	Moses (Exodus 3: La zarza ardiente and Exodus 14: El cruce del Mar Rojo)	Nueva version internacional biblia	978-1535955102
Grade 5	The Phantom Tollbooth	Norton Juster	978-0394820378	La caseta mágica	Norton Juster	978-1984897671

Grade 5	Sam Houston: A Fearless Statesman	Joanne Mattern	978-1433350498	Por qué Sam Houston es importante en Texas	Lynn Peppas	978-1725361126
Grade 5	Thomas Jefferson	Mike Venezia	978-0516226088	¿Quién fue Tomás Jefferson? (excerpt from ¿Quién fue Tomás Jefferson?)	Dennis Brindell Fradin	978-1631138478
Grade 5	Who was Davy Crockett? (Chapter 1 "Who was Davy Crockett?" excerpt from Who was Davy Crockett?)	Gail Herman	978-0448467047	Davy Crockett: Defensor de la frontera	J.T. Moriaty	978-0823941322

Figure: 19 TAC §128.30(f)(1)
Required Literary Works List – Sixth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN
Grade 6	Across Five Aprils	Irene Hunt	978-0425182789	Not Available		
Grade 6	├-- Abraham Lincoln, A Man of Faith and Courage: Stories of Our Most Admired President (Chapter 7 "The Road Back to God")	Joe Wheeler	978-1982116514	Not Available		
Grade 6	├-- The Blue and The Gray	Francis Miles Finch		Not Available		
Grade 6	├--General Order 108 to the "Soldiers of the Armies of the United States"	Ulysses S. Grant		Not Available		
Grade 6	└— The Gettysburg Address	Abraham Lincoln		El discurso de Gettysburg	David Armentrout	978-1595156471
Grade 6	All Creatures Great and Small	James Herriot	978-1250057839	Todas las criaturas grandes y pequeñas: Aventuras y desventuras de un veterinario en la campiña inglesa	James Herriot	9788410025400
Grade 6	├-- The Power of the Dog	Rudyard Kipling		Not Available		
Grade 6	├-- A White Heron	Sarah Orne Jewett	978-1479462186	Una garza blanca	Sarah Orne Jewett	
Grade 6	├-- Do Not Be Anxious (Book of Matthew, Chapter 6, Verses 25-34)	English Standard Version: New Testament	979-8874903398	No se preocupen (Book of Matthew, Chapter 6, Verses 25-34)	La Santa Biblia RVR: El Nuevo Testamento	978-1433579660
Grade 6	└— The Peace of the Wild Things	Wendell Berry		La paz de las cosas salvajes (Translation)	Wendell Berry	

Figure: 19 TAC §128.30(f)(2)

Required Literary Works List – ELLA Seventh Grade

This list of literary works is required as described in administrative rule 19 TAC §128.30.

Grade	Title	Author	ISBN
ELLA I	The Diary of a Young Girl, translated from Dutch by B. M. Mooyart	Anne Frank, translated from the Dutch by B.M. Mooyaart	978-0000526359
ELLA I	├── Blessed is the Match	Hannah Szenes	
ELLA I	├── Letter to the Hebrew Congregation at Newport	George Washington	
ELLA I	└── The Shepherd's Psalm (Book of Psalms, Chapter 23)	King James Version: Hebrew Bible/Old Testament	978-0718097905
ELLA I	The Outsiders	S. E. Hinton	978-0142407332
ELLA I	├── The Eight Beatitudes (Book of Matthew, Chapter 5 Verses 1-12)	King James Version: New Testament	978-0718097905
ELLA I	├── Do Not Go Gentle into That Good Night	Dylan Thomas	
ELLA I	├── Mother to Son	Langston Hughes	
ELLA I	├── Nothing Gold Can Stay	Robert Frost	
ELLA I	└── Thank You, M'am	Langston Hughes	978-0886824785

Figure: 19 TAC §128.30(f)(3)

Required Literary Works List – ELLA Eighth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.30.

Grade	Title	Author	ISBN
ELLA II	The Giver	Lois Lowry	978-0544336261
ELLA II	├── Harrison Bergeron (excerpt from Welcome to the Monkey House)	Kurt Vonnegut	978-0385333504
ELLA II	├── The Man in the Arena Passage (excerpt from Citizenship in a Republic speech by Teddy Roosevelt in 1910)	Teddy Roosevelt	
ELLA II	├── O Me! O Life!	Walt Whitman	
ELLA II	└── To Everything There is a Season (Book of Ecclesiastes, Chapter 3)	King James Version: Hebrew Bible/Old Testament	978-0718097905
ELLA II	Night	Elie Wiesel	978-0374500016
ELLA II	Book of Lamentations, Chapter 3	Tanakh: Jewish Publication Society 1917	
ELLA II	The Perils of Indifference (excerpt from White House Official Transcript at Remarks of Millennium Evening)	Elie Wiesel	
ELLA II	The Survivor	Primo Levi	

Figure: 19 TAC §128.70(f)(1)

Required Literary Works List – ESOL I

This list of literary works is required as described in administrative rule 19 TAC §128.70.

Course	Title	Author	ISBN
ESOL I	Animal Farm	George Orwell	978-0451526342
ESOL I	├--The Clever Teens' Guide to the Russian Revolution	Felix Rhodes	978-1542689922
ESOL I	├-- I, Pencil	Leonard E. Read	978-1572462090
ESOL I	├--Lyceum Address	Abraham Lincoln	
ESOL I	└— Ozymandias	Percy Bysshe Shelley	
ESOL I	Great Expectations	Charles Dickens	978-0486415864
ESOL I	├--A Brief History of Life in Victorian Britain (excerpt Chapters 1, 2 and 6)	Michael Paterson	978-0762435180
ESOL I	├--Love is not all	Edna St. Vincent Millay	
ESOL I	└— Parable of the Prodigal Son (Book of Luke, Chapter 15, Verses 11-32)	English Standard Version: New Testament	979-8874903398

Figure: 19 TAC §128.70(f)(2)

Required Literary Works List – ESOL II

This list of literary works is required as described in administrative rule 19 TAC §128.70.

Course	Title	Author	ISBN
ESOL II	The Tragedy of Julius Caesar	William Shakespeare	979-8336837506
ESOL II	├──General Douglas MacArthur's Farewell Speech to the Corps of Cadets at the U.S. Military Academy at West Point (excerpt paragraph 3: Duty, Honor, Country)	Douglas MacArthur	
ESOL II	├── Eulogy for President Reagan	Margaret Thatcher	
ESOL II	├── Pericles' Funeral Oration (excerpt of Book 2 from Chapters 34 - 46 of History of the Peloponnesian War)	Thucydides (edited by M.I. Finley and translated by Rex Warner)	978-0140440393
ESOL II	└── The Raven	Edgar Allen Poe	
ESOL II	The Inferno	Dante Alighieri	978-0451531391
ESOL II	├──The Book of Job (Book of Job, Chapters 1-7,11,14,19,28,38-42)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
ESOL II	├──I've Been to the Mountaintop	Martin Luther King, Jr.	
ESOL II	└── Chapter 1 The 'Middle' Ages?, Chapter 2 People and Their Lifestyles, Chapter 3 The Big Idea: Christian Salvation, Chapter 4 Kingship, Lordship, and Government (excerpts from The Middle Ages: a very short introduction)	Miri Rubin	978-0199697298

Figure: 22 TAC §206.9(c)

TFSC Form A-4, rev. 5.4.26, for use following this date.

ANATOMICAL WHOLE BODY DONOR ACKNOWLEDGEMENT FORM

I acknowledge that _____ (*name of donee Whole Body Donor Program*) informed the undersigned about the following regarding whole body donation of _____*(name and date of birth of person whose body is donated)* for the advancement of medical, dental, health and forensic science education, training, and/or research. I understand that the whole body gift is altruistic in nature, and neither the donor nor the donor's estate will be compensated for the gift. I understand that the gift document authorizes the following, and governs to the extent of any conflict: ***(Check the boxes that apply)***

1) The donee may or will use the whole body or part of the body donation for:

- ☐ Medical education (e.g., medical, dental, or health professions educational courses/labs).
- ☐ Research (e.g., anatomical, cellular, and/or tissue studies, medical device innovation).
- ☐ Clinical skills training (e.g., medical device training, current or new surgical training).
- ☐ Mortuary science education (e.g., training for funeral services, embalming).
- ☐ Forensic science education (e.g., studying body decomposition outdoors in the natural elements) or search/rescue training (e.g., canines used to find a body/part buried in debris).
- ☐ Other:_____

2) Consequences of the whole body donation will or may include:

- ☐ Students/health professionals dissecting or observing the dissection of body/body parts, where the skin and tissue is disarticulated or segmented, to learn about the body by identifying muscles, nerves, vessels, bones, joints, and/or organs.
- ☐ The removal/separation of body parts from the body and transfer to multiple locations for trainings, medical device testing, education, etc., by the donee or other TFSC licensees.
- ☐ The transfer of ☐ body or ☐ body part(s) to other facilities ☐ in-state or ☐ out-of-state.
- ☐ Use by students and health professionals at ☐ traditional educational settings (e.g., university classrooms/labs), ☐ traditional medical facilities (e.g., hospitals, bioskills facilities), or ☐ non-traditional facilities (e.g., hotels, convention centers).
- ☐ Photo/video use of body or body parts, which may include identifying features.
- ☐ Other:_____

3) The final disposition of the whole body donation by the donee may include:

- ☐ Cremation and return of the cremated remains to the person designated in the gift document or otherwise authorized by Section 711.002, Health and Safety Code.
- ☐ Cremation by the donee or a 3rd-party licensee, and cremated remains will not be returned.
- ☐ Other:_____

Donee provided sufficient time to ask questions and receive information on the uses, consequences, and final disposition of the whole body donation.

_____

Donor/Person Legally Authorized Printed Name **Signature** **Date Signed**

Figure: 28 TAC §3.3309(f)

NOTICE TO APPLICANT REGARDING
REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR
MEDICARE ADVANTAGE

(Issuer's name and address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to terminate existing Medicare supplement or Medicare Advantage coverage and replace it with a policy to be issued by (Issuer's Name). Your new policy will provide 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. Terminate your present policy or Medicare Advantage coverage only if, after due consideration and acceptance by the replacing issuer, you find that purchase of this Medicare supplement coverage is a wise decision. You should evaluate the need for other accident and sickness coverage you have that may duplicate the benefits provided under this policy.

STATEMENT TO APPLICANT BY ISSUER (OR OTHER REPRESENTATIVE):

I have reviewed your current medical or health coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reasons:

_____Additional benefits,

_____Same benefits but lower premiums,

_____Fewer benefits and lower premiums, and/or

_____Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. [optional only for Direct Mailers.]

_____

_____

_____Other(specify)_____.

I call to your attention the following items for your consideration:

(1) Health conditions that you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provides that your replacement policy or certificate may not contain new preexisting conditions waiting periods, elimination periods, or probationary periods. The insurer will reduce any time periods applicable to preexisting conditions waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under the original policy.

(3) If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the issuer to deny any future claims and to refund your premium as though the policy had never been in force. After the application has been completed and before you sign it, read and review it carefully to be certain that all information has been properly recorded.

(4) Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

_____

Signature of Agent or Other Representative

_____

Typed Name and Address of Issuer or Agent

_____

(Applicant's Signature)

_____

(Date)

Figure: 28 TAC §12.601(f).

Guidance on calculating the adjusted approval rate as required in §12.601(f)

Percent Overturned (OT%)—Percent of reviewed adverse determinations that the IRO determines should have been approved and that would have been overturned had the physician or provider appealed to an IRO (i.e., the percent of adverse determinations reviewed that the IRO determined to be medically necessary and appropriate).

Number of Adverse Determinations (#ADs)—Number of preauthorization requests included in the evaluation that were adversely determined.

Number Approved (#APs)—Number of preauthorization requests included in the evaluation that were approved.

Total Preauthorization Requests (Total #PRs)—Total number of preauthorization requests included in the evaluation.

Adjusted Approval Rate—$\frac{(OT\% \times \#ADs) + \#APs}{\text{Total \#PRs}}$

Figure: 30 TAC §309.1(b) [T30S309.1(b)]

Biochemical Oxygen Demand (BOD_5), 5-Day (milligram per liter, mg/l)

30-Day Average	20
7-Day Average	30
Daily Maximum	45
Single Grab	65

Total Suspended Solids (TSS) (mg/l)

30-Day Average	20
7-Day Average	30
Daily Maximum	45
Single Grab	65

Dissolved Oxygen (DO) (mg/l)

Single Grab (minimum) 2.0

pH (Standard Units)

Within limits of 6.0 – 9.0

Figure: 30 TAC §309.20(b)(3)(C) [T30S309.20(b)(3)(C)]

$$L = \frac{N}{2.7C}$$

where,

L = annual liquid loading – feet/year

C = effluent nitrogen concentration – mg/l

N = annual crop requirement of nitrogen plus 20% volatilization – pound/acre/yr



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, 303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/11/26 - 05/17/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/11/26 - 05/17/26 is 18.00% for commercial[2] credit.

The monthly ceiling as prescribed by §303.005[3] and §303.009 for the period of 05/01/26 - 05/31/26 is 18.00%.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

[3] Only for variable rate commercial transactions, as provided by §303.004(a)

TRD-202601922
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: May 6, 2026

♦ ♦ ♦

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 16, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **June 16, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 306 Partners Investments, LLC; DOCKET NUMBER: 2024-1742-MLM-E; IDENTIFIER: RN111773958; LOCATION: Canyon Lake, Comal County; TYPE OF FACILITY: construction site; PENALTY: $36,377; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(2) COMPANY: Addie Marlin; DOCKET NUMBER: 2025-1388-PWS-E; IDENTIFIER: RN101196079; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: $4,689; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: Altman Specialty Plants, LLC; DOCKET NUMBER: 2025-1546-WQ-E; IDENTIFIER: RN111270633; LOCATION: Troup, Cherokee County; TYPE OF FACILITY: nursery; PENALTY: $3,750; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(4) COMPANY: Asset Guard Products Inc.; DOCKET NUMBER: 2025-0351-MLM-E; IDENTIFIER: RN106046311; LOCATION: Decatur, Wise County; TYPE OF FACILITY: spill containment goods manufacturer; PENALTY: $69,874; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: BW GRAYSON BUSINESS PARK ASSOCIATION, INC.; DOCKET NUMBER: 2025-1697-PWS-E; IDENTIFIER: RN108521550; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: $1,937; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: Bluegrass Tank & Equipment, Inc.; DOCKET NUMBER: 2025-1581-IHW-E; IDENTIFIER: RN112011903; LOCATION: Canyon, Randall County; TYPE OF FACILITY: tank and trailer services facility; PENALTY: $74,250; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(7) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2026-0106-PWS-E; IDENTIFIER: RN101248391; LOCATION: Palacios, Jackson County; TYPE OF FACILITY: public water supply; PENALTY: $24,570; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(8) COMPANY: Cabinetworks Group Michigan LLC; DOCKET NUMBER: 2025-1378-AIR-E; IDENTIFIER: RN102593894; LOCATION: Duncanville, Dallas County; TYPE OF FACILITY: cabinet manufacturing plant; PENALTY: $32,000; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(9) COMPANY: City of Alvord; DOCKET NUMBER: 2025-1649-MWD-E; IDENTIFIER: RN102476272; LOCATION: Alvord, Wise County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $20,550; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $16,440; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: City of Celina; DOCKET NUMBER: 2026-0022-MWD-E; IDENTIFIER: RN111374724; LOCATION: Celina, Collin County; TYPE OF FACILITY: water reclamation facility; PENALTY: $20,312; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $16,250; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Hallsville; DOCKET NUMBER: 2024-0937-MWD-E; IDENTIFIER: RN102181872; LOCATION: Hallsville, Harrison County; TYPE OF FACILITY: water treatment facility; PENALTY: $28,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $28,125; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(12) COMPANY: City of Harker Heights; DOCKET NUMBER: 2024-1541-MLM-E; IDENTIFIER: RN101920395; LOCATION: Harker Heights, Bell County; TYPE OF FACILITY: municipal wastewater treatment facility; PENALTY: $13,663; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,931; ENFORCEMENT COORDINATOR: Derek Osborn, (512) 239-0353; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: City of Houston; DOCKET NUMBER: 2025-1597-PWS-E; IDENTIFIER: RN101388668; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: $1,020; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of Mathis; DOCKET NUMBER: 2025-1113-PWS-E; IDENTIFIER: RN101388130; LOCATION: Mathis, San Patricio County; TYPE OF FACILITY: public water supply; PENALTY: $6,950; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $6,950; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: City of Quanah; DOCKET NUMBER: 2024-1419-PWS-E; IDENTIFIER: RN101389013; LOCATION: Quanah, Hardeman County; TYPE OF FACILITY: public water supply; PENALTY: $25,416; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $20,333; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(16) COMPANY: City of Shiner; DOCKET NUMBER: 2025-1010-MWD-E; IDENTIFIER: RN101919181; LOCATION: Shiner, Lavaca County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $19,488; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $15,591; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(17) COMPANY: City of Thrall; DOCKET NUMBER: 2025-1555-MWD-E; IDENTIFIER: RN101919017; LOCATION: Thrall, Williamson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,500; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(18) COMPANY: City of Valentine; DOCKET NUMBER: 2025-1520-PWS-E; IDENTIFIER: RN101385359; LOCATION: Valentine, Jeff Davis County; TYPE OF FACILITY: public water supply; PENALTY: $3,240; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $2,592; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: DAVIS BAYOU SERVICE COMPANY; DOCKET NUMBER: 2025-1142-PWS-E; IDENTIFIER: RN102684891; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: public water supply; PENALTY: $2,837; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(20) COMPANY: Eastman Chemical Company; DOCKET NUMBER: 2022-1006-AIR-E; IDENTIFIER: RN100219815; LOCATION: Longview, Harrison County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $169,425; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $84,712; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: Ebeling Water Supply Corporation; DOCKET NUMBER: 2025-1290-MLM-E; IDENTIFIER: RN101239846; LOCATION: Plainview, Hale County; TYPE OF FACILITY: public water supply; PENALTY: $687; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: El Camino Truck Stop, LLC; DOCKET NUMBER: 2025-1928-PST-E; IDENTIFIER: RN108361452; LOCATION: San Augustine, San Augustine County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $4,971; ENFORCEMENT COORDINATOR: Celicia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(23) COMPANY: Erika Moss and Timothy Moss Jr.; DOCKET NUMBER: 2025-1714-MLM-E; IDENTIFIER: RN112254867; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY:

unauthorized municipal solid waste disposal site; PENALTY: $8,671; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(24) COMPANY: Grand Harbor Water Supply Corporation; DOCKET NUMBER: 2025-1872-PWS-E; IDENTIFIER: RN104497946; LOCATION: Runaway Bay, County; TYPE OF FACILITY: public water supply; PENALTY: $4,600; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(25) COMPANY: Hickman, Williams & Company; DOCKET NUMBER: 2024-1029-AIR-E; IDENTIFIER: RN111627287; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: coal transloading plant; PENALTY: $25,875; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: Hope Concrete, LLC; DOCKET NUMBER: 2025-0444-WQ-E; IDENTIFIER: RN100805910; LOCATION: Bonham, Fannin County; TYPE OF FACILITY: concrete batch plant; PENALTY: $23,157; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(27) COMPANY: Horseshoe Bend Water Company LLC; DOCKET NUMBER: 2025-1517-PWS-E; IDENTIFIER: RN101283679; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; PENALTY: $4,725; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(28) COMPANY: IDIM CONSTRUCTION, LLC; DOCKET NUMBER: 2025-1817-WQ-E; IDENTIFIER: RN111042743; LOCATION: Midland, Midland County; TYPE OF FACILITY: construction site; PENALTY: $8,625; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(29) COMPANY: INEOS OLIGOMERS USA LLC; DOCKET NUMBER: 2025-1867-AIR-E; IDENTIFIER: RN108783614; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: petrochemical plant; PENALTY: $20,250; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: J. R. SIMPLOT COMPANY; DOCKET NUMBER: 2024-1902-AIR-E; IDENTIFIER: RN107782724; LOCATION: Point Comfort, Calhoun County; TYPE OF FACILITY: fertilizer sales site; PENALTY: $2,438; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(31) COMPANY: JET UNDERGROUND UTILITIES, INC.; DOCKET NUMBER: 2025-0981-WQ-E; IDENTIFIER: RN111267506; LOCATION: Seagoville, Dallas County; TYPE OF FACILITY: industrial sand facility; PENALTY: $9,000; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(32) COMPANY: KM Liquids Terminals LLC; DOCKET NUMBER: 2024-1815-AIR-E; IDENTIFIER: RN100224815; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: refined product storage terminal; PENALTY: $7,425; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $2,970; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: Lakeside Water Control and Improvement District 2-D; DOCKET NUMBER: 2026-0099-PWS-E; IDENTIFIER: RN109281527; LOCATION: Pflugerville, Travis County; TYPE OF FACILITY: public water supply; PENALTY: $1,312; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(34) COMPANY: Liquid Solution LLC; DOCKET NUMBER: 2022-0226-MLM-E; IDENTIFIER: RN111286910; LOCATION: Livingston, Polk County; TYPE OF FACILITY: sludge transportation company; PENALTY: $11,026; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(35) COMPANY: MC. D. C., INC.; DOCKET NUMBER: 2025-1251-PST-E; IDENTIFIER: RN101840056; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $4,575; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(36) COMPANY: MDV SPARTANNASH, LLC; DOCKET NUMBER: 2025-0276-PST-E; IDENTIFIER: RN100534320; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: operator; PENALTY: $5,250; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(37) COMPANY: Molded Fiber Glass Companies/Texas LLC; DOCKET NUMBER: 2025-1413-AIR-E; IDENTIFIER: RN100213735; LOCATION: Gainesville, Cooke County; TYPE OF FACILITY: fiberglass plastics manufacturing plant; PENALTY: $28,280; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(38) COMPANY: NEUTZE, MIKE; DOCKET NUMBER: 2023-0249-PST-E; IDENTIFIERS: RN102922051, RN102991296, and RN103026589; LOCATIONS: Kerrville and Ingram, Kerr County; TYPE OF FACILITY: convenience stores with retail sales of gasoline; PENALTY: $20,478; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(39) COMPANY: Orion Engineered Carbons LLC; DOCKET NUMBER: 2025-0952-MLM-E; IDENTIFIER: RN100209386; LOCATION: Orange, Orange County; TYPE OF FACILITY: carbon black oil processor and carbon black manufacturer; PENALTY: $8,045; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(40) COMPANY: Pegasus Link Constructors, LLC; DOCKET NUMBER: 2024-1501-AIR-E; IDENTIFIER: RN105449854; LOCATION: Buda, Travis County; TYPE OF FACILITY: concrete batch plant; PENALTY: $20,000; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(41) COMPANY: Quadvest, L.P.; DOCKET NUMBER: 2025-1533-MWD-E; IDENTIFIER: RN106514979; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: domestic wastewater system; PENALTY: $65,812; ENFORCEMENT COORDINATOR: Elizabeth

Vanderwerken, (512) 239-5900; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(42) COMPANY: Ruel Jay Tidwell; DOCKET NUMBER: 2024-1916-MLM-E; IDENTIFIER: RN103044772; LOCATION: Richland, Navarro County; TYPE OF FACILITY: sludge transporter business; PENALTY: $30,625; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(43) COMPANY: Southwestern Bell Telephone Company, LLC; DOCKET NUMBER: 2025-1019-PST-E; IDENTIFIER: RN102394491; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: operator; PENALTY: $2,625; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(44) COMPANY: TPL SouthTex Pipeline Company LLC; DOCKET NUMBER: 2024-1511-AIR-E; IDENTIFIER: RN106270051; LOCATION: Pettus, Bee County; TYPE OF FACILITY: natural gas processing plant; PENALTY: $10,200; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(45) COMPANY: TdIndustries, Inc.; DOCKET NUMBER: 2025-1735-PWS-E; IDENTIFIER: RN109022624; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: $813; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(46) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2025-1825-MWD-E; IDENTIFIER: RN102674090; LOCATION: Whitsett, Live Oak County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $4,575; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(47) COMPANY: Trinity Turbine Real Estate, LLC; DOCKET NUMBER: 2026-0224-PWS-E; IDENTIFIER: RN108763210; LOCATION: Rosharon, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: $1,800; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(48) COMPANY: Triumvirate Environmental Services, LLC; DOCKET NUMBER: 2025-1419-MLM-E; IDENTIFIER: RN105727010; LOCATION: Royse City, Hunt County; TYPE OF FACILITY: transporter and transfer facility; PENALTY: $24,383; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $9,753; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(49) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2025-1671-UTL-E; IDENTIFIER: RN101279321; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: retail public utility; PENALTY: $12,100; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(50) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2026-0245-PWS-E; IDENTIFIER: RN101177236; LOCATION: Rosharon, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: $3,550; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(51) COMPANY: Union Carbide Corporation; DOCKET NUMBER: 2024-0635-AIR-E; IDENTIFIER: RN102181526; LOCATION: Seadrift, Calhoun County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $14,475; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,790; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

TRD-202601906
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application Permit for Municipal Wastewater New Permit No. WQ0016789001

APPLICATION AND PRELIMINARY DECISION. James Gregory Coontz and Cathy Ann Frederick, 217 Market Street, Burleson, Texas 76028, have applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016789001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 225,000 gallons per day. TCEQ received this application on April 15, 2025.

The facility will be located approximately 2.7 miles east of the intersection of Farm-to-Market Road 1187 and Interstate Highway 35W, in Tarrant County, Texas 76028. The treated effluent will be discharged to an unnamed tributary, thence to Village Creek, thence to Lake Arlington in Segment No. 0828 of the Trinity River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and high aquatic life use for Village Creek. The designated uses for Segment No. 0828 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in waterbodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.272777,32.5825&level=18

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that

this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Crowley Public Library, 409 South Oak Street, Crowley, in Tarrant County, Texas. The application is available for viewing and copying at the following webpage: https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local representative.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, June 18, 2026 at 7:00 p.m.

Forest Hill Civic and Convention Center

6901 Wichita Street

Forest Hill, Texas 76140

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this

includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from James Gregory Coontz and Cathy Ann Frederick at the address stated above or by calling Cathy Ann Frederick, Owner, at (817) 691-6766.

Issuance Date: May 5, 2026

TRD-202601915
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Enforcement Orders

An agreed order was adopted regarding the City of Daingerfield, Docket No. 2022-1562-MWD-E on April 30, 2026 assessing $61,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Dow Chemical Company, Docket No. 2022-1587-AIR-E on April 30, 2026 assessing $65,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Waxahachie, Docket No. 2023-0432-MWD-E on April 30, 2026 assessing $19,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Cranfills Gap, Docket No. 2023-0787-MWD-E on April 30, 2026 assessing $65,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Bethany Batchelor, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lion Elastomers LLC, Docket No. 2023-1384-AIR-E on April 30, 2026 assessing $42,063 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Huntsville, Docket No. 2024-0639-MWD-E on April 30, 2026 assessing $40,500 in administrative penalties with $8,100 deferred. Information concerning any aspect of this order may be obtained by contacting Derek Osborn, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Carbon Sequestration Inc, Docket No. 2024-1222-MSW-E on April 30, 2026 assessing $5,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Alliance Recovery, LLC, Docket No. 2024-1763-MLM-E on April 30, 2026 assessing $21,250 in administrative penalties with $4,250 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Lago Vista, Docket No. 2024-1767-MWD-E on April 30, 2026 assessing $13,500 in administrative penalties with $2,700 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kuraray America, Inc., Docket No. 2024-1948-AIR-E on April 30, 2026 assessing $17,138 in administrative penalties with $3,427 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Intercontinental Terminals Company LLC, Docket No. 2025-0661-AIR-E on April 30, 2026 assessing $14,100 in administrative penalties with $2,820 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2025-0902-MWD-E on April 30, 2026 assessing $22,750 in administrative penalties with $4,550 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of College Station, Docket No. 2025-0943-MWD-E on April 30, 2026 assessing $140,000 in administrative penalties with 28,000 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LYONDELL CHEMICAL COMPANY, Docket No. 2025-0976-AIR-E on April 30, 2026 assessing $12,525 in administrative penalties with $2,505 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Grimes Co. Water Reclamation, LLC, Docket No. 2025-0979-MWD-E on April 30, 2026 assessing $16,500 in administrative penalties with $3,300 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Corrigan OSB, L.L.C., Docket No. 2025-1025-AIR-E on April 30, 2026 assessing $15,000 in administrative penalties with $3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Indorama Indorama Ventures Oxides LLC, Docket No. 2025-1087-AIR-E on April 30, 2026 assessing $18,625 in administrative penalties with $3,725 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jarvis Christian College, Docket No. 2025-1100-PWS-E on April 30, 2026 assessing $4,060 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Raymondville, Docket No. 2025-1150-MWD-E on April 30, 2026 assessing $48,000 in administrative penalties with $9,600 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding James Thomas Ramage dba Family Community Center MHP, Docket No. 2025-1155-PWS-E on April 30, 2026 assessing $1,410 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CSWR-Texas Utility Operating Company, LLC, Docket No. 2025-1220-PWS-E on April 30, 2026 assessing $8,100 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COKE COUNTY WATER SUPPLY CORPORATION, Docket No. 2025-1230-PWS-E on April 30, 2026 assessing $1,775 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Woodville, Docket No. 2025-1236-MWD-E on April 30, 2026 assessing $15,625 in administrative penalties with $3,125 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cinco Southwest Municipal Utility District No. 1, Docket No. 2025-1459-MWD-E on April 30, 2026 assessing $74,750 in administrative penalties with $14,950 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CONCHO RURAL WATER CORPORATION, Docket No. 2025-1467-PWS-E on April 30, 2026 assessing $2,675 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Intercontinental Terminals Company LLC, Docket No. 2025-1478-AIR-E on April 30, 2026 assessing $14,100 in administrative penalties with $2,820 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Stolthaven Houston, Inc., Docket No. 2025-1539-AIR-E on April 30, 2026 assessing $13,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cayuga Independent School District, Docket No. 2025-1559-MWD-E on April 30, 2026 assessing $21,000 in administrative penalties with $4,200 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Squatty Potties, LLC, Docket No. 2025-1642-SLG-E on April 30, 2026 assessing $31,500 in administrative penalties with $6,300 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202601847
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2026

♦ ♦ ♦

Enforcement Orders

An agreed order was adopted regarding Wolf Hollow I Power, LLC, Docket No. 2022-1093-AIR-E on May 5, 2026 assessing $4,875 in administrative penalties with $975 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Claudio G. Gaitan, Docket No. 2023-0395-WOC-E on May 5, 2026 assessing $1,239 in administrative penalties with $247 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding H & A ENTERPRISES INC. dba Palmer Food Mart, Docket No. 2023-1216-PST-E on May 5, 2026 assessing $6,303 in administrative penalties with $1,260 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BWC Texas Terminals LLC, Docket No. 2024-0061-IWD-E on May 5, 2026 assessing $12,375 in administrative penalties with $2,475 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Com-

mission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding J7 Ready Mix, LLC, Docket No. 2024-0456-AIR-E on May 5, 2026 assessing $7,500 in administrative penalties with $1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gatco Treatment Systems, LP, Docket No. 2024-0511-AIR-E on May 5, 2026 assessing $3,375 in administrative penalties with $675 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Targa Pipeline Mid-Continent WestTex LLC, Docket No. 2024-0532-AIR-E on May 5, 2026 assessing $4,750 in administrative penalties with $950 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Fred Boston, Docket No. 2024-0720-MSW-E on May 5, 2026 assessing $675 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ETC Texas Pipeline, Ltd., Docket No. 2024-0947-AIR-E on May 5, 2026 assessing $7,500 in administrative penalties with $1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Norbord Texas (Jefferson) Inc., Docket No. 2024-1067-AIR-E on May 5, 2026 assessing $3,250 in administrative penalties with $650 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D & D Dawson Enterprises L.L.C., Docket No. 2024-1146-AIR-E on May 5, 2026 assessing $2,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D & D Dawson Enterprises L.L.C., Docket No. 2024-1179-AIR-E on May 5, 2026 assessing $2,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RCP Investments LLC, Docket No. 2024-1377-AIR-E on May 5, 2026 assessing $2,500 in administrative penalties with $500 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RKMAP ENTERPRISES INC. dba 410 Corner Stop, Docket No. 2024-1528-PST-E on May 5, 2026 assessing $3,375 in administrative penalties with $675 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Products Operating LLC, Docket No. 2024-1868-IWD-E on May 5, 2026 assessing $10,650 in administrative penalties with $2,130 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding C. COOPER CUSTOM HOMES, INC., Docket No. 2024-1958-WQ-E on May 5, 2026 assessing $7,500 in administrative penalties with $1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Dow Chemical Company, Docket No. 2025-0137-AIR-E on May 5, 2026 assessing $5,625 in administrative penalties with $1,125 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AMFP V Chapel Hill II LLC, Docket No. 2025-0282-EAQ-E on May 5, 2026 assessing $7,500 in administrative penalties with $1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Jasmine Jimerson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JCT Investors, LLC, Docket No. 2025-0348-WQ-E on May 5, 2026 assessing $5,000 in administrative penalties with $1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Smyrna Ready Mix Concrete, LLC, Docket No. 2025-0909-PST-E on May 5, 2026 assessing $6,250 in administrative penalties with $1,250 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RILEY PERMIAN OPERATING COMPANY, LLC, Docket No. 2025-1085-AIR-E on May 5, 2026 assessing $6,000 in administrative penalties with $1,200 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kuraray America, Inc., Docket No. 2025-1171-AIR-E on May 5, 2026 assessing $11,814 in administrative penalties with $2,362 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HARROLD WATER SUPPLY CORPORATION, Docket No. 2025-1180-PWS-E on May 5, 2026 assessing $5,828 in administrative penalties with $1,165 deferred. Information concerning any aspect of this order may be obtained by contact-

ing Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Rochester, Docket No. 2025-1183-PWS-E on May 5, 2026 assessing $1,040 in administrative penalties with $208 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Terra Enterprises, LLC, Docket No. 2025-1206-AIR-E on May 5, 2026 assessing $10,938 in administrative penalties with $2,187 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ET Gathering & Processing LLC, Docket No. 2025-1301-AIR-E on May 5, 2026 assessing $11,250 in administrative penalties with $2,250 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Karnes City, Docket No. 2025-1306-PWS-E on May 5, 2026 assessing $4,515 in administrative penalties with $903 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Mckinney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BEECHWOOD WATER SUPPLY CORPORATION, Docket No. 2025-1307-PWS-E on May 5, 2026 assessing $1,460 in administrative penalties with $292 deferred. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RFP Maintenance, Inc., Docket No. 2025-1327-PWS-E on May 5, 2026 assessing $3,130 in administrative penalties with $626 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Burlington Resources Oil & Gas Company LP, Docket No. 2025-1346-AIR-E on May 5, 2026 assessing $3,326 in administrative penalties with $665 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SUN CITY ROCK, INC., Docket No. 2025-1368-WQ-E on May 5, 2026 assessing $5,000 in administrative penalties with $1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Milford, Docket No. 2025-1409-MWD-E on May 5, 2026 assessing $10,500 in administrative penalties with $2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Harris County Municipal Utility District 319, Docket No. 2025-1427-PWS-E on May 5, 2026 assessing $350 in administrative penalties with $70 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Tulia, Docket No. 2025-1443-PWS-E on May 5, 2026 assessing $2,375 in administrative penalties with $1,375 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LYONDELL CHEMICAL COMPANY, Docket No. 2025-1480-AIR-E on May 5, 2026 assessing $10,650 in administrative penalties with $2,130 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ranger Excavating, L.P., Docket No. 2025-1488-PST-E on May 5, 2026 assessing $3,450 in administrative penalties with $690 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bell County Water Control and Improvement District 2, Docket No. 2025-1495-PWS-E on May 5, 2026 assessing $1,237 in administrative penalties with $247 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Milford, Docket No. 2025-1534-PWS-E on May 5, 2026 assessing $1,125 in administrative penalties with $225 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WINGS FOR CHRIST INTERNATIONAL, LTD., Docket No. 2025-1582-WR-E on May 5, 2026 assessing $500 in administrative penalties with $100 deferred. Information concerning any aspect of this order may be obtained by contacting Mabel Travis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PALO PINTO WATER SUPPLY CORPORATION, Docket No. 2025-1604-PWS-E on May 5, 2026 assessing $7,380 in administrative penalties with $1,476 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AR Builders LLC, Docket No. 2025-1703-WQ-E on May 5, 2026 assessing $5,000 in administrative penalties with $1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Cynthia Sidoa, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Marek and Marek Truck Wash, Inc., Docket No. 2025-1819-WQ-E on May 5, 2026 assessing $6,875 in administrative penalties with $1,375 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Conroe Independent School District, Docket No. 2025-1862-MWD-E on May 5, 2026 assessing $3,188 in administrative penalties with $637 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Rembert Enterprises, Inc., Docket No. 2026-0173-WQ-E on May 5, 2026 assessing $3,188 in administrative penalties with $637 deferred. Information concerning any aspect of this citation may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Darren Bronaugh, Docket No. 2026-0250-WR-E on May 5, 2026 assessing $350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Jasmine Jimerson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202601921
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 6, 2026

♦ ♦ ♦

Notice of District Petition - D-03062026-011

Notice issued May 1, 2026

TCEQ Internal Control No. D-03062026-011: CET Limited (Petitioner) filed a petition for the creation of Montgomery County Municipal Utility District No. 265 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 and Article III, §52 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all, and therefore a majority in value, of the land to be included in the proposed District; (2) there is no lienholder on the property; (3) the proposed District will contain approximately 192.92 acres of land, more or less, located wholly within Montgomery County, Texas, and (4) the land within the District is not within the corporate limits or extraterritorial jurisdiction of any city. The petition further states: The general nature of the work proposed to be done by the District at the present time is the purchase, construction, acquisition, improvement, extension, maintenance and operation of a waterworks and sanitary sewer system for domestic and commercial purposes and the purchase, construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of water, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is hereby made for more detailed description. The District also intends to purchase interests in land and purchase, construct, acquire, improve, extend, maintain and operate improvements, facilities and equipment for the purpose of providing recreational facilities, all as more particularly described in the aforementioned engineer's report, to which reference is hereby made for more detailed description. Additional work and services which may be performed by the District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of a roadway system for the District. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately $54,350,000 ($41,500,000 for water, wastewater, and drainage facilities, $10,900,000 for roads, and $1,950,000 for parks).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601911
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of District Petition - D-04082026-028

Notice issued April 30, 2026

TCEQ Internal Control No. D-04082026-028: Estate of Susie D Crossland and Estate of Thomas B Crossland (Petitioners) filed a petition for creation of HCR Municipal Management District No. 1 of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59, and Article III, §§52 and 52(a) of the Texas Constitution, Chapter 375,

Texas Local Government Code and Chapter 49, Texas Water Code, and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to more than 50% of value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 214.078 acres located within Collin County, Texas; and (4) the land within the proposed District is wholly within the extraterritorial jurisdiction of City of Weston, Texas. By Ordinance No. 2026-03-02 passed and approved March 10, 2026, the City of Weston, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Local Government Code 375.022(c)(6). The petition further states that the proposed District will: (1) construct, maintain and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain and operate a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase and operate drainage and roadway facilities and improvements; (4) construct, install, maintain, purchase and operate additional facilities authorized by Chapter 375, Texas Local Government Code; and, additional facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is organized. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately $17,525,000 ($13,325,000 for water, wastewater, and drainage plus $4,200,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601848

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2026

♦ ♦ ♦

Notice of District Petition - D-04102026-022

Notice issued May 5, 2026

TCEQ Internal Control No. D-04102026-022: Bar H Ranches Partnership, Ltd., a Texas limited partnership, and the Estate of Janice Lee Harrison Tipton, Deceased, (Petitioners) filed a petition for creation of Caldwell County Municipal Utility District No. 12 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 155.227 acres located within Caldwell County, Texas; and (4) the District lies outside the corporate limits or extraterritorial jurisdiction of any city or town. The petition further states that the proposed District will purchase, design, construct, acquire, own improvement, extend, maintain, operate, repair, convey, finance, and issue bonds for: (i) an adequate and efficient water works and sanitary sewer system for domestic and commercial purposes; (ii) works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm water or other harmful excesses of waters; (iii) roads and improvements in aid of roads; and (iv) such other additional facilities, systems, plants, and enterprises as are consistent with any or all of the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately $19,650,000 ($17,800,000 for water, wastewater, and drainage, plus $1,850,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be

a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601912
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overfill prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 16, 2026**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed S/DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed S/DO's identifying information, such as its docket number. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 16, 2026**. The commission's attorney is available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: SETX PUBLIC TELEVISION CORPORATION; DOCKET NUMBER: 2021-0128-PST-E; TCEQ ID NUMBER: RN101789105; LOCATION: 1295 Crockett Street in/near Beaumont, Jefferson County; TYPE OF FACILITY: underground storage tank system and a convenience store with retail sales of gasoline; STAFF ATTORNEY: Benjamin Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202601907
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 16, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 16, 2026**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Point; DOCKET NUMBER: 2021-0738-MLM-E; TCEQ ID NUMBERS: RN103948212, RN101720381, RN101612984, and RN101391407; LOCATIONS: on the north side of County Road 1470, one mile west of the intersection of Farm-to-Market Road 47 and County Road 1470 in Rains County (RN103948212);

on Industrial Boulevard approximately 1,500 feet west of the intersection of Farm-to-Market Road 514 and United States Highway 69 in Rains County (RN101720381); at 127 Locust Street in Point, Rains County (RN101612984); 320 North Locust Street in Point, Rains County (RN101391407) TYPE OF FACILITIES: three wastewater treatment facilities and a public water system; PENALTY: $150,157; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: City of Taft; DOCKET NUMBER: 2023-1034-PWS-E; TCEQ ID NUMBER: RN101258911; LOCATION: 501 Green Avenue in Taft, San Patricio County; TYPE OF FACILITY: a public water system; PENALTY: $18,000; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(3) COMPANY: FOR FUELS LLC dba Extra Miles Truck Stop; DOCKET NUMBER: 2023-1076-PST-E; TCEQ ID NUMBER: RN101750347; LOCATION: 1600 Shannon Road West in Sulphur Springs, Hopkins County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: $18,026; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: Town of Van Horn; DOCKET NUMBER: 2024-1693-MWD-E; TCEQ ID NUMBER: RN103014999; LOCATION: approximately 1 mile southeast of the intersection of Interstate Highway 10 and United States Highway 90 in Van Horn, Culberson County; TYPE OF FACILITY: a wastewater treatment facility;

PENALTY: $5,325; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: El Paso Regional Office, 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

TRD-202601908
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 16, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 16, 2026**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: 117 Concepts, LLC; DOCKET NUMBER: 2023-0414-PWS-E; TCEQ ID NUMBER: RN104497466; LOCATION: 2254 United States Highway 87 in Fredericksburg, Gillespie County; TYPE OF FACILITY: a public water system; PENALTY: $2,750; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Arvell Rabe; DOCKET NUMBER: 2025-0947-MSW-E; TCEQ ID NUMBER: RN112053350; LOCATION: 3271 East United States Highway 79, Franklin, Robertson County; TYPE OF FACILITY: an unauthorized municipal solid waste site; PENALTY: $3,937; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202601909
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Public Hearing on Proposed Revisions to 30 TAC Chapters 210 And 309

The Texas Commission on Environmental Quality (TCEQ or commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 309, Domestic Wastewater Effluent Limitations and Plant Siting, and 30 TAC Chapter 210, Use of Reclaimed Water under the requirements of Texas Water Code, §§26.551 - 26.562 and Texas Government Code, Chapter 2001, Subchapter B.

The proposed rulemaking would implement Senate Bill 1289, 88th Legislature, by amending 30 TAC Chapter 321, Subchapter P, Reclaimed Water Production Facilities, to allow for disposal of unused reclaimed water through an associated domestic wastewater treatment facility by obtaining permission or consent from the owner and operator of the associated domestic wastewater treatment facility that will receive the unused reclaimed water for final treatment and disposal. The proposed rulemaking would also amend 30 TAC Chapter 210,

Subchapter A, General Provisions, to clarify regulatory citations and applicability of the requirements of the chapter.

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on June 15, 2026, at 10:00 a.m. in Building E, Room 201S located at the commission's central office located at 12100 Park 35 Circle, Austin, Texas. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by June 11, 2026. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on June 12, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/bc7d1a3d-ecdc-4185-b13e-6a7e4dc60392@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1 (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need additional translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://tceq.commentinput.com/*. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Rule Project Number 2026-006-309-OW. The comment period closes June 16, 2026. Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Shannon Gibson, Water Quality Division, (512) 239-4284.

TRD-202601858
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: May 1, 2026

♦ ♦ ♦

Notice of Public Meeting for TPDES Permit for Municipal Wastewater Renewal Permit No. WQ0011845005

APPLICATION. City of Pflugerville, P.O. Box 589, Pflugerville, Texas 78691, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011845005, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 15,750,000 gallons per day. TCEQ received this application on July 18, 2024.

The facility is located at 10100 Gregg Lane, in the city of Pflugerville, in Travis County, Texas 78653. The treated effluent will be discharged to Wilbarger Creek, thence to the Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The unclassified receiving water use is high aquatic life use for Wilbarger Creek. The designated uses for Segment No. 1434 are primary contact recreation, public water supply, and exceptional aquatic life use. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.543333,30.386388&level=18

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices.

PUBLIC COMMENT / PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, June 16, 2026 at 7:00 p.m.

Rock Gym

702 W. Pecan Street

Pflugerville, Texas 78660

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our website at https://www.tceq.texas.gov.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at City of Pflugerville, City Hall, 100 East Main Street, Pflugerville, in Travis County, Texas. The application is available for viewing and copying at the following webpage: https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications.

Further information may also be obtained from City of Pflugerville at the address stated above or by calling Mr. Matt Johns, Utility Superintendent-Wastewater, City of Pflugerville, at (512) 990-6428.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Issuance Date: May 1, 2026

TRD-202601914
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Public Meeting Proposed Air Quality Permit Numbers 181895, PSDTX1684, and GHGPSDTX260

APPLICATION. Energy Forge One LLC, 1500 Louisiana Street, Houston, Texas 77002-7308, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed State Air Quality Permit 181895, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1684, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX260 for emissions of GHGs, which would authorize construction of the Kilby Power Plant located at the following driving directions: From the intersection of U.S. 285 and I-20, travel Southeast on US 285 for approximately 16 miles and turn right on Ranch Road 2007. Travel Southwest for approximately 8 miles, turn right on Farm-to-Market Road 112, and travel West for about 2 miles to reach the site in Reeves County, Pecos, Texas 79780. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, greenhouse gases, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide and sulfuric acid mist. In addition, the facility will emit the following air contaminants: hazardous air pollutants.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

PM_{10}

Maximum Averaging Time	Maximum Increment Consumed ($\mu g/m^3$)	Allowable Increment ($\mu g/m^3$)
24-hour	8	30
Annual	1	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed ($\mu g/m^3$)	Allowable Increment ($\mu g/m^3$)
Annual	2	25

$PM_{2.5}$

Maximum Averaging Time	Maximum Increment Consumed ($\mu g/m^3$)	Allowable Increment ($\mu g/m^3$)
24-hour	8	9
Annual	1	4

This application was submitted to the TCEQ on October 17, 2025. The executive director has determined that the emissions of air contaminants from the proposed facility, which are subject to PSD review, will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Midland regional office, and at the Reeves County Library, 315 South Oak Street, Pecos, Reeves County, Texas 79772, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Midland Regional Office, 10 Desta Drive, Suite 350E, Midland, Texas 79705. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's website at www.tceq.texas.gov/goto/cid: the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above, the Reeves County Library, provides public access to the internet. This link to an

electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to the application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-103.438308,31.134286&level=13.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Wednesday, June 10, 2026 at 7:00 p.m.

Reeves County Civic Center

1500 S Cedar Street

Pecos, Texas 79772

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our website at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

Further information may also be obtained from Energy Forge One LLC at the address stated above or by calling Mr. Brian Kane, Permitting Lead at (713) 920-4177.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: May 5, 2026

TRD-202601913
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2026

♦ ♦ ♦

Notice of Water Quality Application - Minor Amendment WQ0010053009

The following notice was issued on April 29, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE OF PUBLICATION OF THIS NOTICE IN THE *TEXAS REGISTER*.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0010053009 issued to City of Pasadena to update the expiration date. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 14,000,000 gallons per day. The facility is located at 209 North Main Street, in the City of Pasadena, Harris County, Texas 77506.

TRD-202601849
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2026

♦ ♦ ♦

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 20, 2026 to May 1, 2026. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 8, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, June 7, 2026.

Federal License and Permit Activities:

Applicant: Kenneth Berry

Location: The project site is located in waters adjacent to the La Quinta Channel, at Berry Island, in Nueces County, Texas. Dredged material would be placed in the Berry Island Dredged Material Placement Area (DMPA), DMPA 10 or DMPA 13. All proposed DMPAs are located within Nueces County, Texas.

Latitude and Longitude:

Berry Island DMPA: 27.832783, -97.236538

DMPA 10: 27.808701, -97.211318

DMPA 13: 27.854884, -97.249332

Project Description: The applicant proposes to construct two 1200 linear-foot docks to provide docking for very large crude oil carriers (VLCCs), handymax vessels, and other similar vessels used for the

transportation of energy resources. The docks would each consist of a steel sheet pile bulkhead and breasting structure, which would include dead man/bulkhead tiebacks, walers, fenders, and pile caps. Each dock would have 10 mooring structures made of 8-foot-wide monopiles with 10-foot-wide bollards, and a loading arm at the center of each dock. Walkways would be constructed to access each dock. Project activities would result in the discharge of material into approximately 0.589 acres of open water, 0.546 acres of intertidal mud flats, and 0.095 acres of seagrass. Project activities would result in temporary impacts to 1.281 acres of open water and 1.236 acres of intertidal mud flats.

An approximately 48-acre area adjacent to the La Quinta Channel would be mechanically or hydraulically dredged to a depth of -50 feet MLLW, resulting in the removal of approximately 3,508,000 cubic yards of material. Dredging would impact 0.078 acres of intertidal mud flats and 0.174 acres of seagrass.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by minimizing the amount of fill the to the greatest extent practicable and designing the project layout in a manner to minimize impacts to delineated resources. Temporarily impacted areas would be restored as near as possible to pre-emergency conditions. The applicant has not proposed compensatory mitigation at this time but has stated that they will perform all mitigation required by USACE. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR §332.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2025-00662. This application will be reviewed pursuant Section 404 of the Clean Water Act, and Sections 10 and 14 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act. The U.S. Army Corps of Engineers Galveston District has found that this permit request meets the terms of Executive Order 14156 and is therefore subject to special emergency permitting procedures and an expedited review process.

CMP Project No: 26-1126-F1e

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202601905
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: May 4, 2026

♦ ♦ ♦

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid Payment Rates

The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on May 26, 2026, at 9:00 a.m., to receive public comments on proposed Special Review updates.

This hearing will be conducted as an in-person and online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

Registration URL:

https://attendee.gotowebinar.com/register/5703367378165398613

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing-in by phone will be provided after you register.

Members of the public may attend the rate hearing in person, which will be held in the Public Hearing Room 1.401, 1.402, 1.403 and 1.404 in the North Austin Complex located at 4601 W. Guadalupe Street, Austin, Texas, or they may access a live stream of the meeting at https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings. For the live stream, select the "North Austin Complex Live" tab. A recording of the hearing will be archived and accessible on demand at https://www.hhs.texas.gov/about/live-archived-meetings under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at https://www.hhs.texas.gov/about/meetings-events.

Proposal. The effective date of the proposed payment rates for the topics presented during the rate hearing will be as follows:

Effective September 1, 2026:

Special Review

-Comprehensive Rehabilitation Services Program (CRS)

Methodology and Justification. The proposed payment rates were calculated in accordance with Title 1 of the Texas Administrative Code:

Section 355.8001, Reimbursement for Vision Care Services;

Section 355.8023, Reimbursement Methodology for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS);

Section 355.8085, Reimbursement Methodology for Physicians and Other Practitioners;

Section 355.8441, Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services (also known as Texas Health Steps);

Section 355.8610, Reimbursement for Clinical Laboratory Services; and

Section 355.9040, Reimbursement Methodology for Comprehensive Rehabilitation Services Program.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available at https://pfd.hhs.texas.gov/rate-packets on or before May 15, 2026. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at PFDAcuteCare@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by e-mail to PFDAcuteCare@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Ser-

vices Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 Guadalupe St, Austin, Texas 78751.

Preferred Communication. For quickest response please use e-mail or phone if possible for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202601910
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: May 5, 2026

♦ ♦ ♦

Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective June 1, 2026.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

Physician and Other Practitioners

The proposed amendments are estimated to result in an increase to annual aggregate expenditure of $13,329 for federal fiscal year (FFY) 2026, consisting of $7,975 in federal funds and $5,354 in state general revenue. For FFY 2027, the estimated result is an increase to annual aggregate expenditure of $40,525 consisting of $23,723 in federal funds and $16,802 in state general revenue. For FFY 2028, the estimated result is an increase to annual aggregate expenditure of $41,067 consisting of $24,041 in federal funds and $17,026 in state general revenue.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website before the proposed effective date at: https://pfd.hhs.texas.gov/rate-packets.

Rate Hearings.

A rate hearing was conducted in person and online on February 10, 2026. Information about the proposed rate changes and hearing was published in the January 16, 2026 issue of the *Texas Register* (51 TexReg 302). Additional information and the notice of hearings can be found at http://www.sos.state.tx.us/texreg/index.shtml.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Jayasree Sankaran, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Once submitted to the Centers for Medicare and Medicaid Services for approval, copies of the proposed amendment will be available for review at the HHSC Access and Eligibility Services for local benefit offices.

Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

PFDAcuteCare@hhs.texas.gov

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202601864
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: May 1, 2026

♦ ♦ ♦

Texas Department of Insurance

Company Licensing

Application for Generali USA Insurance Company, a foreign fire and/or casualty company, to change its name to Redion Insurance Company. The home office is in New York, New York.

Application for Farmers Mutual Hail Insurance Company of Iowa, a foreign fire and/or casualty company, to change its name to Farmers Mutual Hail Insurance Company, SI. The home office is in West Des Moines, Iowa.

Application to do business in the state of Texas for Cajun Underwriters Reciprocal Exchange, a foreign reciprocal. The home office is in Temple Terrace, Florida.

Application for incorporation in the state of Texas for Square Deal Benefit Trust, a domestic Multiple Employer Welfare Arrangement (MEWA). The home office is in The Woodlands, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202601925

Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: May 6, 2026

♦ ♦ ♦

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2733 "MEGA CASH!"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2733 is "MEGA CASH!". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2733 shall be $10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2733.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: $10.00, $20.00, $30.00, $50.00, $100, $500, $1,000, $10,000, $250,000, 01, 02, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 5X SYMBOL and 10X SYMBOL.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2733 - 1.2D

PLAY SYMBOL	CAPTION
$10.00	TEN$
$20.00	TWY$
$30.00	TRTY$
$50.00	FFTY$
$100	ONHN
$500	FVHN
$1,000	ONTH
$10,000	10TH
$250,000	250TH
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN

19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX

47	FRSV
48	FRET
49	FRNI
5X SYMBOL	WINX5
10X SYMBOL	WINX10

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2733), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2733-0000001-001.

H. Pack - A Pack of the "MEGA CASH!" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket backs 001 and 050 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery and Charitable Bingo Division of the Texas Department of Licensing and Regulation ("Texas Lottery") pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "MEGA CASH!" Scratch Ticket Game No. 2733.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "MEGA CASH!" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-two (62) Play Symbols. MEGA CASH! PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same BONUS play area, the player wins that amount. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-two (62) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-two (62) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-two (62) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-two (62) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket

Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to twenty-eight (28) times in accordance with the prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. MEGA CASH! - Key Number Match: Each Ticket will have six (6) different WINNING NUMBERS Play Symbols.

D. MEGA CASH! - Key Number Match: Non-winning YOUR NUMBERS Play Symbols will all be different.

E. MEGA CASH! - Key Number Match: Matching non-winning Prize Symbols will never appear more than four (4) times.

F. MEGA CASH! - Key Number Match: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

G. MEGA CASH! - Key Number Match: The "5X" (WINX5) and "10X" (WINX10) Play Symbols will never appear in the WINNING NUMBERS or BONUS Play Symbol spots.

H. MEGA CASH! - Key Number Match: The "5X" (WINX5) and "10X" (WINX10) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

I. MEGA CASH! - Key Number Match: Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

J. MEGA CASH! - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and $20).

K. BONUS: Matching BONUS Prize Symbols will only appear in a winning BONUS play area as dictated by the prize structure.

L. BONUS: A Ticket will not have matching non-winning Prize Symbols across the three (3) BONUS play areas.

M. BONUS: Non-winning BONUS Prize Symbols will never be the same as the winning BONUS Prize Symbols across the three (3) BONUS play areas.

2.3 Procedure for Claiming Prizes.

A. To claim a "MEGA CASH!" Scratch Ticket Game prize of $10.00, $20.00, $30.00, $50.00, $100 or $500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a $30.00, $50.00, $100 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MEGA CASH!" Scratch Ticket Game prize of $1,000, $10,000 or $250,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of $600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "MEGA CASH!" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is $1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under $600 from the "MEGA CASH!" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of $600 or more from the "MEGA CASH!" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2733. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2733 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$10.00	884,400	9.09
$20.00	562,800	14.29
$30.00	321,600	25.00
$50.00	160,800	50.00
$100	130,650	61.54
$500	7,571	1,061.95
$1,000	268	30,000.00
$10,000	12	670,000.00
$250,000	5	1,608,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.89. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2733 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2733, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202601924

Deanne Rienstra

General Counsel Lottery and Charitable Bingo

Texas Department of Licensing and Regulation

Filed: May 6, 2026

♦ ♦ ♦

Scratch Ticket Game Number 2745 "AIRSTREAM® DREAM"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2745 is "AIRSTREAM® DREAM". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2745 shall be $5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2745.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, SUNGLASSES SYMBOL, $5.00, $10.00, $15.00, $20.00, $50.00, $100, $250, $500, $1,000 and $100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2745 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET

29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
SUNGLASSES SYMBOL	DBL
$5.00	FIV$
$10.00	TEN$
$15.00	FFN$
$20.00	TWY$
$50.00	FFTY$
$100	ONHN
$250	TOFF
$500	FVHN
$1,000	ONTH

$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2745), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2745-0000001-001.

H. Pack - A Pack of "AIRSTREAM® DREAM" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse; i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery and Charitable Bingo Division of the Texas Department of Licensing and Regulation ("Texas Lottery") pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "AIRSTREAM® DREAM" Scratch Ticket Game No. 2745.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "AIRSTREAM® DREAM" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "SUNGLASSES" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be

to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to twenty (20) times.

D. On winning and Non-Winning Tickets, the top cash prizes of $1,000 and $100,000 will each appear at least one (1) time, except on Tickets winning twenty (20) times, with respect to other parameters, play action or prize structure.

E. All non-winning YOUR NUMBERS Play Symbols will be different.

F. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

G. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

H. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

I. All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 05 and $5, 10 and $10, 15 and $15 and 20 and $20).

J. On all Tickets, a Prize Symbol will not appear more than four (4) times, except as required by the prize structure to create multiple wins.

K. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "SUNGLASSES" (DBL) Play Symbol will never appear more than one (1) time on a Ticket.

M. The "SUNGLASSES" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

N. The "SUNGLASSES" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

O. The "SUNGLASSES" (DBL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

2.3 Procedure for Claiming Prizes.

A. To claim a "AIRSTREAM® DREAM" Scratch Ticket Game prize of $5.00, $10.00, $15.00, $20.00, $50.00, $100, $250 or $500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a $50.00, $100, $250 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "AIRSTREAM® DREAM" Scratch Ticket Game prize of $1,000 or $100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of $600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "AIRSTREAM® DREAM" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is $1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under $600 from the "AIRSTREAM® DREAM" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's

guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of $600 or more from the "AIRSTREAM® DREAM" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "AIRSTREAM® DREAM" Scratch Ticket may be entered into one (1) of four (4) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 7,200,000 Scratch Tickets in the Scratch Ticket Game No. 2745. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2745 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$5.00	691,200	10.42
$10.00	345,600	20.83
$15.00	268,800	26.79
$20.00	307,200	23.44
$50.00	42,000	171.43
$100	16,000	450.00
$250	7,600	947.37
$500	2,140	3,364.49
$1,000	50	144,000.00
$100,000	5	1,440,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.28. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2745 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2745, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202601926
Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: May 6, 2026

♦ ♦ ♦


TEXAS

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: https://www.sos.texas.gov. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC*) is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at http://www.sos.state.tx.us/tac.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION
Part 4. Office of the Secretary of State
Chapter 91. Texas Register
1 TAC §91.1…….....950 *(P)*

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is $1159 annually for first-class mail delivery and $783 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844
Fax: (518) 487-3584
E-mail: customer.support@lexisnexis.com
Website: www.lexisnexis.com/printcdsc



LexisNexis