

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 10. COMMUNITY DEVELOPMENT

PART 5. OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM OFFICE

CHAPTER 181. TEXAS LEVERAGE FUND PROGRAM

10 TAC §§181.1 - 181.10

The Office of the Governor, Economic Development and Tourism Office ("Office") adopts the repeal of 10 TAC §§181.1 - 181.10, concerning the Texas Leverage Fund Program, without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1784). The repealed sections will not be republished.

REASONED JUSTIFICATION OF ADOPTED REPEAL

The rules in 10 TAC Chapter 181 implement the Texas Leverage Fund program under a 1992 Master Resolution that expired on August 31, 2022, and was not renewed. The Office has completed the winddown of program operations under that Master Resolution-based framework, and the rules are obsolete. The adopted repeal removes regulations that are no longer necessary.

SUMMARY OF COMMENTS

The Office received no comments regarding the proposed repeal.

STATUTORY AUTHORITY

This repeal is adopted under Texas Government Code §489.002, which authorizes the Office to adopt rules necessary to carry out the purposes of Chapter 489.

CROSS REFERENCE TO STATUTE

The adopted repeal affects Texas Government Code §§489.002 and 489.108. No other statutes, articles, or codes are affected by the adopted repeal.

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 June 30, 2026.

TRD-202602698

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER CC. COMMISSIONERS RULES CONCERNING SAFE SCHOOLS

19 TAC §103.1209

The Texas Education Agency (TEA) adopts an amendment to §103.1209, concerning mandatory school drills. The amendment is adopted with changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2339) and will be republished. The adopted amendment implements Senate Bill (SB) 57, 89th Texas Legislature, Regular Session, 2025, by establishing requirements to ensure school systems provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs.

REASONED JUSTIFICATION: Section 103.1209 requires that school districts and open-enrollment charter schools conduct emergency drills in accordance with Texas Education Code (TEC), §37.114.

SB 57, 89th Texas Legislature, Regular Session, 2025, amended TEC, §37.1086, to require the commissioner to establish rules related to accommodations for students with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill required under TEC, §37.114. The adopted amendment makes the following changes to implement SB 57.

In subsection (b), definitions were added to align with requirements ensuring equal access to safety for students and staff with disabilities during required drills and emergency events.

New subsection (d) was added to ensure students with access and functional needs participate in required drills, and it provides guidance and considerations for ensuring equal access to safety. Further, in response to public comment, subsection (d)(4)(G) was added at adoption, ensuring input from or briefing individuals with close and continuous contact with students with

disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 10, 2026, and ended May 11, 2026. Following is a summary of the public comments received and agency responses.

Comment: Two community members commented in support of inclusive safety practices, encouraging specific guidance on supporting students with communication needs (e.g., considerations for augmentative and alternative communication (AAC) use, staff training, and sensory considerations).

Response: The agency agrees. Inclusive safety practices mandate equal access to safety for individuals with access and functional needs during mandatory drills, approved exercises, and emergency incidents.

Comment: A Texas school administrator commented that, while the intent of the proposed amendment is understandable, the additional rule language introduces more compliance expectations, thereby risking increased administrative burden without significantly improving student safety outcomes. The commenter further stated that the proposal reflects a continued emphasis on procedural and compliance-driven requirements rather than addressing the more pressing needs of public education.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: A Texas school administrator commented that local school systems are best positioned to design and implement effective safety procedures that account for the unique needs of their students and staff. The commenter stated that state mandates in this area limit local flexibility without clear evidence of added value. The commenter urged the agency to limit changes to only what is required by statute and avoid expanding regulatory requirements that do not directly enhance student safety.

Response: The agency disagrees. TEC, §37.1086, requires the agency to establish, by rule, recommendations and guidelines to ensure that students and staff with access and functional needs have equal access to safety during mandatory drills, approved exercises, and emergency incidents. The amendment fulfills this statutory directive.

Comment: State Representative Mary Gonzalez and Disability Rights Texas suggested the amendment include obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

Response: The agency agrees. This suggestion was incorporated as new subsection (d)(4)(G) at adoption.

Comment: The Texas Council of Administrators of Special Education (TCASE) commented that the definition of individuals with access and functional needs creates confusion because there is no associated mechanism with how to determine if an individual meets the criteria. TCASE further commented that TEC, §37.1086, does not require accommodations for students with disabilities, stating the law directs TEA to develop recommended accommodations for students with disabilities during a mandatory school drill and requires districts to document accommodations for students with disabilities in their emergency operations plans (EOPs).

Response: The agency disagrees and has determined the definition is sufficient as proposed. The definition provided clearly

identifies the populations requiring consideration for accommodations in emergency preparedness activities.

Comment: TCASE commented that there is no requirement in SB 57 to discuss emergency procedures with parents in an admission, review, and dismissal (ARD) committee meeting. TCASE stated that including this discussion within the ARD meeting will make ARD committee meetings even longer, potentially removing general and special educators from providing services to students while participating in longer IEP meetings.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. The rule encourages discussions regarding emergency procedures with parents and/or those to standing in parental relation because it strengthens preparedness, coordination, and student-specific safety planning.

Comment: TCASE commented that a multihazard emergency operations plan is commonly referred to as the MEOP versus EOP, as outlined in the proposed rule.

Response: The agency disagrees. EOP is a widely recognized term in safety and security contexts, specifically in emergency management, education, and public sector operations.

Comment: TCASE commented that there is no statutory authority for the proposed language stating that only staff members can assume responsibility for assisting students during drills and emergency situations.

Response: The agency disagrees and has determined the language is sufficient as proposed. Staff members receive training in and subsequently implement emergency response protocols during mandatory drills and emergency events.

Comment: TCASE commented that the proposed rule should provide schools with discretion related to the participation of students with disabilities in drills to minimize disruption for the student.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. Students, including those with disabilities, should participate in mandatory drills because drills are the primary mechanism for teaching and reinforcing the skills necessary to respond safely and effectively during actual emergencies.

Response: The agency disagrees that a change should be made at this time. There may be challenges with estimating average daily attendance (ADA) for certain charter schools. Charter FIRST indicator 16 for the 2026-2027 rating year in Figure 19 TAC §109.1001(f)(2) reflects variations for points based on four groups of ADA. The agency will review information related to this indicator as it relates charter schools with student populations from correctional facilities and residential treatment centers. The agency is willing to make adjustments that are deemed necessary if a charter school submits an appeal for the indicator after the preliminary rating is released. The agency has maintained language as proposed concerning Charter FIRST indicator 16 in the figures in subsection (f)(1) and (2).

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §37.114, which requires the commissioner of education to provide best practices for conducting emergency drills and exercises and to designate the number and type of mandatory school drills to be conducted each semester of the school year; and TEC, §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025, which requires the Texas Education Agency to develop by rule recom-

mentations and guidelines regarding accommodations for a student with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §37.114; and §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025.

§103.1209. Mandatory School Drills.

(a) **Requirement.** Each school system shall conduct emergency safety drills in accordance with Texas Education Code (TEC), §37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

(b) **Definitions and related terms.** The following words and terms related to drills and exercises, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in TEC, §37.1141, and associated rules, if any.

(1) **General terms.**

(A) **Active aggressor**--An individual actively engaged in killing or attempting to kill people in a confined and populated area.

(B) **Drill**--A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

(C) **Exercise**--An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

(D) **Individuals with access and functional needs**--Persons who may have temporary or permanent additional needs in functional areas, including, but not limited to, maintaining independence, communication, transportation, supervision, and medical care, as well as students with an individualized education program (IEP) created under the Individuals with Disabilities Act (20 U.S.C. Section 1400, et seq.) or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504.

(E) **School system**--This term includes traditional independent or consolidated public school districts and open-enrollment charter schools.

(2) **Terms defining the level of exercise.**

(A) **Full-scale exercise**--Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multi-agency, multi-jurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school system is not the organizer of such an exercise, but it would play a critical role in both function and potential facility use.

(B) **Functional exercise**--Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emergency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

(C) **Seminar exercise**--A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

(D) **Tabletop exercise**--A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

(E) **Workshop exercise**--A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

(3) **Terms defining the type of drill.**

(A) **Evacuation drill**--A response action school systems take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

(B) **Fire drill**--A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

(C) **Lockdown drill**--A response action school systems take to secure (close, latch, and lock) interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all students, staff, and visitors are secured away from immediate danger.

(D) **Secure drill**--A response action school systems take to secure (close, latch, and lock) the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill uses the security of the physical facility to act as protection to deny entry.

(E) **Shelter for hazardous materials (hazmat) drill**--A response action school systems take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

(F) **Shelter for severe weather drill**--A response action school systems take to quickly move students, staff, and visitors in-

doors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

(c) Frequency. TEC, §37.114(2), requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither this rule, nor the law, precludes a school system from conducting more drills as deemed necessary and appropriate. Following is the required minimum frequency of drills by type.

- (1) Secure drill--One per school year.
- (2) Lockdown drill--Two per school year (once per semester).
- (3) Evacuation drill--One per school year.
- (4) Shelter drill (for either severe weather or hazmat)--One per school year.
- (5) Fire drill--School systems should consult with the local authority having jurisdiction (e.g., fire marshal) and comply with its requirements and recommendations. If a school system does not have a local authority or has not adopted a fire code, it shall conduct four drills per school year (two per semester).

(d) Equal access. In accordance with TEC, §37.108 and §37.1086, school systems must provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs. Students with access and functional needs must participate in required drills.

(1) School systems must designate a person to ensure each campus has reviewed all IEPs and Section 504 plans to identify students who require accommodations to have access to safety and security during drills and emergency situations.

(2) School systems must acknowledge that all IEP or Section 504 plans for students in the school system who require accommodations to access safety and security during drills and emergency situations are considered when drafting their multihazard emergency operations plan (EOP). Accommodations to ensure access to safety and security must be documented locally and shared with appropriate campus-level personnel and the school system's Safety and Security Committee.

(3) EOP updates must avoid using personal identifying information, in accordance with the Family Educational Rights and Privacy Act.

(4) Ensuring equal access to safety during emergency incidents, required drills, and approved exercises shall include:

(A) incorporating recommendations from the Texas Education Agency's (TEA's) Guidelines for Multihazard Emergency Operations, as posted on the TEA website;

(B) informing and training staff about emergency response protocols and encouraging educators to discuss emergency procedures with parents (or those standing in parental relation) as part of IEP meetings and/or other reviews;

(C) identifying pre-evacuation sites that are accessible to students and staff with disabilities;

(D) developing a schedule of daily activities and classes that identify where students and staff with access needs are located during each period of the day;

(E) planning a primary and secondary evacuation route from each location students and staff members are during the day;

(F) classroom storage of disability-related supplies, assistive equipment, and tools needed during emergency incidents, required drills, or district-approved exercises (e.g., a go kit); and

(G) obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

(5) Only staff members can assume the responsibility of assisting students during drills and emergency situations.

(6) School systems must additionally consider the following:

(A) the classroom location and placement of students with disabilities. School systems should evaluate the accessibility of nearby exits, proximity to the school nurse, and classroom placement in multi-story buildings;

(B) the benefit of incorporating both audible and visual elements in alarm systems for fire, public address systems, severe weather notifications, and lockdown alerts;

(C) the availability of medicines or medical devices during drills and emergency situations. School systems should make alternative arrangements to meet these needs if medicines or medical devices may be unavailable; and

(D) using lessons learned from required drills to identify gaps and update existing multihazard EOPs.

(e) Best practices for conducting drills and exercises. This subsection highlights best practices for conducting drills and exercises. For more information about best practices, refer to Texas School Safety Center guidance.

(1) Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the Texas School Safety Center.

(2) Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals, and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

(A) the school system's School Safety and Security Committee;

(B) first responders;

(C) mental and behavioral health professionals;

(D) students and families; and

(E) staff, including non-traditional teachers, coaches, trade instructors, custodians, and food service workers.

(3) Drill and exercise design elements should include:

(A) physical and psychological safety for all participants;

(B) planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;

(C) providing advance notification of drills and exercises;

(D) planning for post-drill or after-action reviews of each drill and exercise; and

(E) ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

(4) Exercises are more complex than drills. It is recommended that school systems start with discussion-based exercises and work up to operation-based exercises. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

(A) testing and validating policies, plans, procedures, training, equipment, and interagency agreements;

(B) clarifying and training personnel in roles and responsibilities;

(C) improving interagency coordination and communications;

(D) identifying gaps in resources;

(E) improving individual performance; and

(F) identifying opportunities for improvement.

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 July 6, 2026.

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §§745.21, 745.609, 745.615, 745.631, 745.643, 745.683, 745.695, 745.751, 745.775, and 745.8483; new §745.675; and the repeal of §745.601 and §745.607.

Section 745.21 is adopted with changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2589) This rule will be republished.

Sections 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, 745.8483 are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2589). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The adopted rules are necessary to comply with Senate Bill (SB) 1849, 88th Legislature, Regular Session, 2023. SB 1849 created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine, and amended Texas Human Resources Code §§42.056(b), 42.159(c), and 42.206(c). The search engine created by the bill will include findings of reportable conduct by the Texas Education Agency, Texas Juvenile Justice Department, and HHSC Employee Misconduct Registry that were not previously included in background check results received by HHSC Child Care Regulation (CCR). The search engine also includes central registry findings from the Texas Department of Family and Protective Services, but CCR received those central registry findings before the search engine was created and will continue to receive them. CCR is adopting rules to define the search engine required by statute, require CCR's use of the search engine as part of any subject's background check, and clarify that the reportable conduct findings may prevent a person from being present at an operation or affect a person's ability to receive or maintain an administrator's license.

CCR also updated the rules and definitions to provide additional detail regarding background check and licensing procedures and to improve the readability and understanding of the rules.

COMMENTS

The 31-day comment period ended May 26, 2026. HHSC did not receive any comments.

HHSC made minor editorial changes in §745.21 and §745.21(2) to correct punctuation.

Additionally, HHSC is not adopting the proposed changes to division numbers for Subchapter F, Division 7, "Immediate Threat or Danger to the Health or Safety of Children".

SUBCHAPTER A. PRECEDENCE AND DEFINITIONS

DIVISION 2. DEFINITIONS

26 TAC §745.21

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

§745.21. Definitions.

The following terms in this chapter have the following meanings unless the context clearly indicates otherwise:

(1) Abuse--As defined in the Texas Family Code §261.001(1).

(2) Affinity--Related by marriage, as set forth in Texas Government Code §573.024.

(3) Business entity--May include an association, corporation, nonprofit association, nonprofit corporation, nonprofit association with religious affiliation, nonprofit corporation with religious affiliation, limited liability company, political subdivision, or state agency. For purposes of this chapter, this definition does not include any type of "partnership."

(4) Capacity--The maximum number of children that a permit holder may care for at one time.

(5) Caregiver--A person who is counted in the child to caregiver ratio, whose duties include the supervision, guidance, and protection of a child.

(6) CBCU--Centralized Background Check Unit. A subdivision of Child Care Regulation that conducts background checks.

(7) CCR--Child Care Regulation. A department of the Texas Health and Human Services Commission responsible for regulatory oversight of child care operations.

(8) Central registry--A DFPS database of persons who have been found by DFPS to have abused, neglected, or exploited a child.

(9) Child--A person under 18 years old.

(10) Child care facility--An operation defined in Texas Human Resources Code §42.002(3).

(11) Child day care--Taking care of, supervising, teaching, or educating:

(A) a child under 14 years old who is not related to the caregiver, for less than 24 hours a day, in a place other than the child's own home, including taking care of school-age children before or after the regular school day; or

(B) a related child under 14 years old, for less than 24 hours a day, that occurs in the caregiver's or child's home if the care is given:

(i) under the auspices of a listed family home; and

(ii) the caregiver follows the requirements in the Texas Labor Code Chapter 313, including providing care in the child's home only if:

(I) the child or one of the child's siblings is disabled;

(II) the child or one of the child's siblings is under 18 months old;

(III) the child has a parent 18 years old or younger;

(IV) the child has a parent 19 years old, who is in high school working towards a diploma;

(V) the child's parent works during the evening, overnight, or on the weekend and taking the child out of the home would be disruptive to the child; or

(VI) the Texas Workforce Commission determines there are no other child care options available in the community.

(12) Children related to the caregiver--Children described in Texas Human Resources Code §42.002(16).

(13) Client in care--A child or young adult in the care of an operation.

(14) Consanguinity--As defined in Texas Government Code §573.022.

(15) Contiguous--Sharing a common border or located in the same building.

(16) Controlling person--A person described in Texas Human Resources Code §42.002(18).

(17) Criminal history--Information collected by criminal justice agencies about a person's interactions with the criminal justice system, including a person's record of arrests, convictions, and other types of criminal justice involvement.

(18) Days--Calendar days, unless otherwise stated.

(19) Deficiency--Any failure to comply with a statute, administrative rule, minimum standard, condition on a permit, or condition of probation.

(20) Designated finding--A finding in the DFPS central registry against a person (also known as a designated perpetrator) who has not finished challenging the finding through an administrative review, a due process hearing, or other rights of appeal.

(21) Designated perpetrator--A person listed in the DFPS central registry who has a designated finding of child abuse, neglect, or exploitation.

(22) Designee--The person named on the application as the designated representative of the operation who is officially authorized by the owner to speak for and act on the operation's behalf.

(23) DFPS--Texas Department of Family and Protective Services.

(24) DPS--Texas Department of Public Safety.

(25) Employee--Any natural person who works for or has a contract with the permit holder.

(26) Endanger--To expose a child to a situation where physical or mental injury to a child is likely to occur.

(27) Exploitation--As defined in Texas Family Code §261.001(3).

(28) FBI--Federal Bureau of Investigation.

(29) Fingerprint-based criminal history check--A search that compares a subject's fingerprints with the:

(A) DPS database of arrests and dispositions for alleged crimes committed in Texas;

(B) FBI database of arrests and dispositions for alleged crimes committed in the United States and Territories;

(C) DPS database of the Texas sex offender registry; and

(D) FBI database of the National Sex Offender Registry.

(30) Full license--Issued to operate a child care operation after meeting the requirements of this chapter either while maintaining a license or to issue a full license instead of an initial license as described in this chapter.

(31) Full permit--Includes a listing, registration, compliance certification, or a full license.

(32) Governing body--A person or group of persons or officers of a business or governmental entity that has ultimate control over the operation.

(33) Governmental entity--A political subdivision or state agency of Texas.

(34) HHSC--Texas Health and Human Services Commission.

(35) HHSC EMR--The Employee Misconduct Registry maintained by HHSC.

(36) Household member--A person who lives in an operation or verified foster home, who is not a caregiver or client in care.

(37) Initial background check--The first background check that an operation requests for a person.

(38) Initial license--As defined in Texas Human Resources Code §42.051. An initial license is valid for 12 months from the date of issuance; however, CCR may renew an initial license for up to an additional six months.

(39) Licensed administrator--A licensed child care administrator or licensed child placing agency administrator as defined in Texas Human Resources Code §43.001.

(40) Licensing--CCR, which was formerly titled Child Care Licensing.

(41) Minimum standards--Regulatory administrative rules that permit holders must follow to protect the health, safety, and well-being of children. These rules are found in:

(A) Chapter 742 of this title (relating to Minimum Standards for Listed Family Homes);

(B) Chapter 743 of this title (relating to Minimum Standards for Shelter Care);

(C) Chapter 744 of this title (relating to Minimum Standards for School-Age and Before or After-School Programs);

(D) Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers);

(E) Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes);

(F) Chapter 748 of this title (relating to Minimum Standards for General Residential Operations);

(G) Chapter 749 of this title (relating to Minimum Standards for Child-Placing Agencies); and

(H) Subchapter D, Division 11 of this chapter (relating to Employer-Based Child Care).

(42) Name-based Texas criminal history check--A search that compares a subject's name with the:

(A) DPS database of arrests and dispositions for alleged crimes committed in Texas; and

(B) DPS database for the Texas sex offender registry.

(43) National Sex Offender Registry--A national database that has records on persons who are required to register on a jurisdiction's sex offender registry.

(44) Neglect--As defined in the Texas Family Code §261.001(4).

(45) Operation (also known as a child care operation)--Any person or entity that must have a permit according to Texas Human Resources Code Chapter 42.

(46) Out-of-state child abuse and neglect registry check--A search that compares the subject's name with another state's or territory's database of persons who have been found to have abused or neglected a child.

(47) Out-of-state criminal history check--A search that compares the subject's name or fingerprints with another state's or territory's database of arrests and dispositions for crimes committed in the other state or territory.

(48) Out-of-state sex offender registry check--A search that compares the subject's name with another state's or territory's sex offender registry.

(49) Owner--The sole proprietor, partnership, or business or governmental entity that owns an operation that is subject to CCR's regulation.

(50) Parent--A person or entity that has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian of the child or a legally authorized representative of an entity with managing conservatorship of the child.

(51) Permit--A license, certification, registration, listing, compliance certificate, or any other written authorization granted by CCR to operate a child care operation. This also includes an administrator's license.

(52) Permit holder--The owner of the operation that is granted the permit.

(53) Pre-kindergarten age child--A child who is three or four years of age before the beginning of the current school year.

(54) Present at an operation--A person is present at an operation if the person has or may have contact with children in care. This includes:

(A) the person is physically present at an operation while any child is in care, unless the person is present for the sole purpose of attending orientation or pre-service training or is briefly present for business unrelated to child care and does not have contact with children in care;

(B) the person has responsibilities that may require the person to be present at an operation while any child is in care;

(C) the person resides at an operation or is present at an operation on a regular or frequent basis; or

(D) the person has direct access to any child in care, including supervised or unsupervised direct access to any child.

(55) Program--Activities and services provided by an operation.

(56) Regularly or frequently present at an operation--Visiting the operation often, at regular times, or consistently over time.

(A) A person is regularly or frequently present at an operation if the person:

(i) is present at the operation on a scheduled basis;

(ii) visits the operation three or more times in a 30-day period, with each visit being less than 24 hours, and with multiple or repeated visits to an operation within the same day counting as one visit;

(iii) stays or lives at the operation for more than seven days in a row; or

(iv) stays or lives at the operation three or more times per year, with each stay being more than 48 hours.

(B) For foster homes, the following persons are not considered to be regularly or frequently present at a foster home:

(i) a child unrelated to a foster parent who visits the foster home, unless:

(I) the child is responsible for the care of a foster child; or

(II) there is a reason to believe that the child has a criminal history or previously abused or neglected another child; and

(ii) an adult unrelated to a foster parent who visits the foster home, unless:

(I) the adult has unsupervised access to children in care; or

(II) there is a reason to believe that the adult has a criminal history or previously abused or neglected a child.

(C) For a child day care operation, a parent is not considered regularly or frequently present at the operation only because the parent is visiting his or her child. A parent is considered regularly or frequently present at the operation if the parent volunteers at the operation.

(57) Regulation--Includes the following:

(A) the development of administrative rules, including minimum standards, as provided by statutory authority; and

(B) the enforcement of requirements that are minimum standards, administrative rules, statutes, or any condition or restriction HHSC has placed on a permit. Anyone providing or seeking to provide care or a service that is subject to regulation must comply with all applicable requirements. This includes a permit holder, an applicant for a permit, and anyone providing care or a service without the appropriate permit.

(58) Renewal background check--A background check that an operation requests for a person who has already had an initial background check at the operation.

(59) Report--Any communication to CCR or DFPS, including the Statewide Intake division of DFPS, of:

(A) an allegation of a violation of a minimum standard, rule, or statute; or

(B) any other possible risk to a child in the care of an operation that is subject to CCR's regulation.

(60) Residential child care--The care, custody, supervision, assessment, training, education, or treatment of a child who is not related by blood, marriage, or adoption to the owner or operator of the operation, for all of the 24-hour day, regardless of whether the operation is operated for profit or charges for the services it offers.

(61) Risk evaluation--A CBCU process to determine if a person's background check results will allow the person to be present at an operation.

(62) SEMARC--Search Engine for Multi-Agency Reportable Conduct as established by Texas Health and Safety Code Chapter 810. For CCR background check processes, a DFPS central registry check is separate from a SEMARC check.

(63) SEMARC finding--Result of a SEMARC check that shows the determination by a participating state agency that a person engaged in reportable conduct as defined in Texas Health and Safety Code §810.001(6), and any information about the determination recorded in SEMARC.

(64) School-age child--A child who is five years of age or older and is enrolled in or has completed kindergarten.

(65) State Office of Administrative Hearings (SOAH)--The state agency responsible for conducting certain administrative hearings for other state agencies, including HHSC.

(66) Subject of a background check--A person for whom the operation submits a request for a background check.

(67) Substitute--A person who fills in for an absent employee or caregiver at an operation.

(68) Sustained finding--A finding in the DFPS central registry against a person (also known as a sustained perpetrator) who has been offered due process, and:

(A) the person has waived the person's due process rights by not requesting an administrative review and a due process hearing timely or by waiving those rights in writing; or

(B) the child abuse, neglect, or exploitation finding was upheld in the due process hearing and any subsequent appeals.

(69) Sustained perpetrator--A person listed in the DFPS central registry who has a sustained finding of abuse, neglect, or exploitation of a child.

(70) TEA--Texas Education Agency.

(71) Texas sex offender registry--A registry maintained by DPS that contains records on persons who are required to register as sex offenders in Texas.

(72) TJJD--Texas Juvenile Justice Department.

(73) Unsupervised access--Access to a child in care without the presence of another person who is a qualified caregiver.

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 July 2, 2026.

TRD-202602707

Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



SUBCHAPTER F. BACKGROUND CHECKS

DIVISION 1. DEFINITIONS

26 TAC §745.601

STATUTORY AUTHORITY

The repealed 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt

rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

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For further information, please call: (512) 438-3269



26 TAC §745.609, §745.615

STATUTORY AUTHORITY

The amendments 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

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DIVISION 2. REQUESTING BACKGROUND CHECKS

26 TAC §745.607

STATUTORY AUTHORITY

The repealed 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631,

745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

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26 TAC §745.631, §745.643

STATUTORY AUTHORITY

The amendments 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

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For further information, please call: (512) 438-3269



DIVISION 3. CRIMINAL HISTORY, SEX OFFENDER REGISTRY, CHILD ABUSE OR NEGLECT, AND SEMARC FINDINGS

26 TAC §745.675

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, and Texas

Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 4. EVALUATION OF RISK BECAUSE OF A FINDING

26 TAC §745.683, §745.695

STATUTORY AUTHORITY

The amendments 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 6. IMMEDIATE THREAT OR DANGER TO THE HEALTH OR SAFETY OF CHILDREN

26 TAC §745.751

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 7. ADMINISTRATOR'S LICENSING

26 TAC §745.775

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269

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SUBCHAPTER K. INSPECTIONS,
INVESTIGATIONS, AND CONFIDENTIALITY
DIVISION 3. CONFIDENTIAL RECORDS

26 TAC §745.8483

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269

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SUBCHAPTER C. OPERATIONS THAT ARE
EXEMPT FROM REGULATION
DIVISION 2. EXEMPTIONS FROM
REGULATION

26 TAC §745.115

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §745.115, concerning Programs and Facilities Regulated by Other Governmental Entities Exempt from CCR Regulation; and §745.273, concerning Public Notices and Hearings for Certain General Residential Operations.

Section 745.115 is adopted with changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2006). This rule will be republished.

Section 745.273 is adopted without changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2006). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to comply with House Bill (HB) 4529 and HB 3597, 89th Legislature, Regular Session, 2025.

HB 4529 amended Texas Human Resources Code (HRC) §42.041(b) to add exemptions to regulation by HHSC Child Care Regulation (CCR) for the following entities that are regulated by the United States Department of Defense: (1) a child care facility located on a federal military base or other federal property; and (2) a military family child care provider.

HB 3597 amended HRC §42.0461(a), which requires certain residential child care facilities to hold a public hearing before expanding capacity or receiving a license or certificate if the residential child care facilities are located in a county with a population of less than 500,000. Previously, the statutory language set the population threshold for public hearings at 300,000.

The amendments (1) add a regulatory exemption for a child care facility located on a federal military base or other federal property that has a certificate required by HRC §42.041(b)(26); (2) add a regulatory exemption for a child care home operated by a military family child care provider that has a certificate required by HRC §42.041(b)(27); and (3) update the population threshold triggering the public hearing requirement for a general residential operation (GRO) from 300,000 to 500,000. The amendments also remove duplicative content and improve the readability and understanding of the rules.

COMMENTS

The 31-day comment period ended April 27, 2026.

HHSC received one comment regarding the proposed rule from one individual. The individual responded "ok" to the proposal.

HHSC made minor editorial changes in §745.115 to remove hyphens in the terms "child care" and "elementary age."

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the amendments are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out provisions related to regulatory exemptions and public hearing requirements.

§745.115. Programs and Facilities Regulated by Other Governmental Entities Exempt from CCR Regulation.

The following programs and facilities regulated by other governmental entities are exempt from Child Care Regulation (CCR).

(1) Programs and facilities regulated by federal or tribal governmental entities, including:

(A) a child care facility located on:

(i) a federal military base or other federal property that has a certificate to operate issued by the United States Department of Defense, as required by Texas Human Resources Code (HRC) §42.041(b)(26); or

(ii) an Indian reservation;

(B) a program that provides 24-hour care only for persons not lawfully present in the United States who are in federal government custody; or

(C) a military family child care provider that has a certificate to operate issued by the United States Department of Defense, as required by HRC §42.041(b)(27).

(2) Programs and facilities regulated by other state governmental entities, including:

(A) a facility operated by the Texas Juvenile Justice Department;

(B) a facility providing services solely for the Texas Juvenile Justice Department;

(C) any other correctional facility for children operated or regulated by another state agency or political subdivision;

(D) a youth camp licensed by the Texas Department of State Health Services; and

(E) a youth camp exempt from licensure by the Texas Department of State Health Services under Texas Health and Safety Code §141.0021.

(3) An elementary age recreation program for children ages 5 through 13 that meets the requirements in HRC§42.041(b)(14).

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 June 30, 2026.

TRD-202602696

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: July 20, 2026

Proposal publication date: March 27, 2026

For further information, please call: (512) 438-3269



SUBCHAPTER D. APPLICATION PROCESS

DIVISION 4. GENERAL RESIDENTIAL OPERATIONS PUBLIC NOTICE AND HEARING REQUIREMENTS

26 TAC §745.273

STATUTORY AUTHORITY

The amendment 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, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the amendments are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out provisions related to regulatory exemptions and public hearing requirements.

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 June 30, 2026.

TRD-202602697

Karen Ray

Chief Counsel

Health and Human Services Commission

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Proposal publication date: March 27, 2026

For further information, please call: (512) 438-3269



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 435. FIRE FIGHTER SAFETY

37 TAC §435.33

The Texas Commission on Fire Protection (Commission) adopts new 37 TAC §435.33, concerning Occupational Cancer Screening for Firefighters, without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2884). The rule will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts this new section to implement the requirements of House Bill 198 (88th Legislature, Regular Session, 2023), known as the Wade Cannon Act. The new section establishes minimum requirements for regulated entities to offer confidential occupational cancer screenings to firefighters, develop and maintain a standard operating procedure to ensure firefighters are offered confidential occupational cancer screenings, and submit an alternative occupational medical examination plan to the Commission when the entity elects not to provide the required screenings. The rule promotes the early detection of occupational cancers and establishes consistent minimum standards for compliance with Texas Local Government Code, Chapter 180.

HOW THE RULE WILL FUNCTION

As adopted, §435.33 requires regulated entities to assess occupational health risks associated with firefighting duties and to develop and maintain a standard operating procedure ensuring that each firefighter is offered a confidential occupational cancer screening at no cost beginning no later than the firefighter's fifth year of employment and annually thereafter. The rule establishes the minimum screening components, allows regulated entities to submit an alternative occupational medical examination plan that meets statutory requirements, and requires the standard operating procedure, any alternative plan, and confirmation of compliance to be made available to the Commission for inspection.

SUMMARY OF COMMENTS

No comments were received regarding adoption of this new section.

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code, §419.008, which grants the Texas Commission on Fire Protection the authority to adopt rules necessary to carry out the Commission's powers and duties. The new section also implements Texas Local Government Code, §180.011.

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

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

Filed with the Office of the Secretary of State on July 2, 2026.

TRD-202602718

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Effective date: July 22, 2026

Proposal publication date: May 1, 2026

For further information, please call: (512) 936-3812



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION SUBCHAPTER F. ADVISORY COMMITTEES

The Department of Family and Protective Services (DFPS) adopts the amended rule §702.501, the repealed §702.507 and §702.509 rules, and the new rule §702.517, in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapter F, relating to the Department of Family Protective Services' Advisory Committees. The proposal was published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2887). The amended, repealed, and new rules are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND JUSTIFICATION

The amended, repealed, and new rules aim to establish a new advisory committee, Partners for Children and Families (PCFC); repeal two existing advisory committees, the Committee on Advancing Residential Practices (CARP) and Public Privacy Partnership (PPP); and make minor clarifying changes to general provisions about advisory committees not being governmental bodies as defined by Chapter 551 of the Governmental Code.

COMMENTS

The 30-day comment period ended May 31, 2026. During this period, DFPS received comments from 2 commenters: Texas Alliance of Child and Family Services and Amanda Boyd, Executive Director of The Sanctuary Foster Care Services. A summary of comments relating to the rules and DFPS's responses follows.

Comment: The Texas Alliance of Child and Family Services commented as follows:

Section 702.517 Partners for Children and Families (PCFC):

- For subsection (b), although adult protection is a critical role of DFPS, there is a lack of clarity regarding how "related systems of adult protection" fit into the purpose of the PCFC. Suggest defining "related systems of adult protection", especially as "related systems of adult protection" are not included elsewhere in the proposed rules and it is unclear how "related systems of adult protection" should be included in recommendations to the de-

partment regarding the evolution of the child protection system to its model of Community-Based Care and the child protection system at large. Also, the proposed language regarding PCFC membership does not explicitly include representatives from "related systems of adult protection".

- For subsection (g)(3), suggest specifically adding parents with living experience with the child protection system in the list of individuals who may be members to elevate the importance of including these voices in shaping policy and practice improvements.

- For subsection (g)(3)(E), suggest adding "adoptive parents".

- For subsection (g), suggest including a youth formerly in foster care as a mandatory PCFC member to ensure this perspective is always included in discussions regarding policy and practice improvements.

- For subsection (m), suggest adding language that would require the bylaws to include provisions for member recusal and replacement and to designate who holds accountability for ensuring PCFC members and subcommittee members adhere to attendance and participation requirements.

Response: DFPS appreciates the comments but declines to revise the rule in response to these comments. DFPS recognizes the importance of including varied perspectives. Section 702.517(g)(2) provides that the DFPS Review Committee will recommend a committee of stakeholders with varying interests. Discretionary appointments allow the Commissioner to appoint a balanced committee. Also, section 702.517(g) provides that membership "may include" individuals from the listed stakeholder categories including former foster youth, foster parents and kinship parents, child welfare advocacy groups, and other child welfare stakeholders as determined by the Commissioner. The list is permissive and inclusive, not exclusive. Government Code section 311.005(13) provides that 'includes' and 'including' are terms of enlargement and not limitation. Therefore, the rule allows the Commissioner to consider adoptive and biological parents with lived experience as well as former foster youth when making appointments to the PCFC. In fact, former foster youth are already identified as a category of individuals who may serve on the PCFC.

Section 702.517(m) requires the PCFC to adopt bylaws to "further govern PCFC practices, including but not limited to, attendance requirements, meeting notices, subcommittees, recommendations, conflicts of interest and administration." The bylaws are the appropriate place to address procedural matters such as these. The rule allows the PCFC to govern its practices and accountability through bylaws which are deliberated upon and adopted by the committee. This provides the PCFC with flexibility to establish procedures that support the committee's work and address self-governance issues. Furthermore, section 702.517(h) requires members "be willing to devote the time necessary to attend and participate in meetings" and section 707.517(i)(3) provides that "members serve at the pleasure of the DFPS Commissioner."

The PCFC's primary advisory role is to study and make recommendations to DFPS regarding the evolution of the child protection system to Community Based Care and the child protection system at large. The phrase 'related systems of adult protection' is intended to recognize that issues affecting children and families may intersect with adult protection related issues. One of the PCFC's tasks is to seek and receive public comment on proposed rules, make recommendations, and perform other tasks

consistent with its purpose. Because DFPS proposed rules may involve or affect more than one DFPS program, including that of adult protective services, the reference to related systems of adult protection is appropriate. The phrase is only used in the purpose statement and does not create a separate task or duty for the PCFC.

Comment: Amanda Boyd, Executive Director of The Sanctuary Foster Care Services commented as follows:

I think they should add a biological parent that has interacted with the department and adoptive parents as possible members for the committee. With given the recent testimony from Velentino a former foster youth at the last two meetings, I am wondering if a former foster youth should be a mandatory appointment to the committee.

With the importance of the committee and its purpose, what do the by-laws say would constitute a member being recused from the committee and replaced? Who holds accountability to the by-laws for attendance and participation requirements.

Response: DFPS appreciates the comments but declines to revise the rule in response to these comments. DFPS recognizes the importance of including varied perspectives. Section 702.517(g)(2) provides that the DFPS Review Committee will recommend a committee of stakeholders with varying interests. Discretionary appointments allow the Commissioner to appoint a balanced committee. Also, section 702.517(g) provides that membership "may include" individuals from the listed stakeholder categories including former foster youth, foster parents and kinship parents, child welfare advocacy groups, and other child welfare stakeholders as determined by the Commissioner. The list is permissive and inclusive, not exclusive. Government Code section 311.005(13) provides that 'includes' and 'including' are terms of enlargement and not limitation. Therefore, the rule allows the Commissioner to consider adoptive and biological parents with lived experience as well as former foster youth when making appointments to the PCFC. In fact, former foster youth are already identified as a category of individuals who may serve on the PCFC.

Section 702.517(m) requires the PCFC to adopt bylaws to "further govern PCFC practices, including but not limited to, attendance requirements, meeting notices, subcommittees, recommendations, conflicts of interest and administration." The by-laws are the appropriate place to address procedural matters such as these. The rule allows the PCFC to govern its practices and accountability through bylaws which are deliberated upon and adopted by the committee. This provides the PCFC with flexibility to establish procedures that support the committee's work and address self-governance issues. Furthermore, section 702.517(h) requires members "be willing to devote the time necessary to attend and participate in meetings" and section 707.517(i)(3) provides that "members serve at the pleasure of the DFPS Commissioner."

40 TAC §702.501

STATUTORY AUTHORITY

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

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Sanjuanita Maltos

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Department of Family and Protective Services

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For further information, please call: (512) 945-5978



40 TAC §702.507, §702.509

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The repealed rules are adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

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40 TAC §702.517

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The new rule is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction

and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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