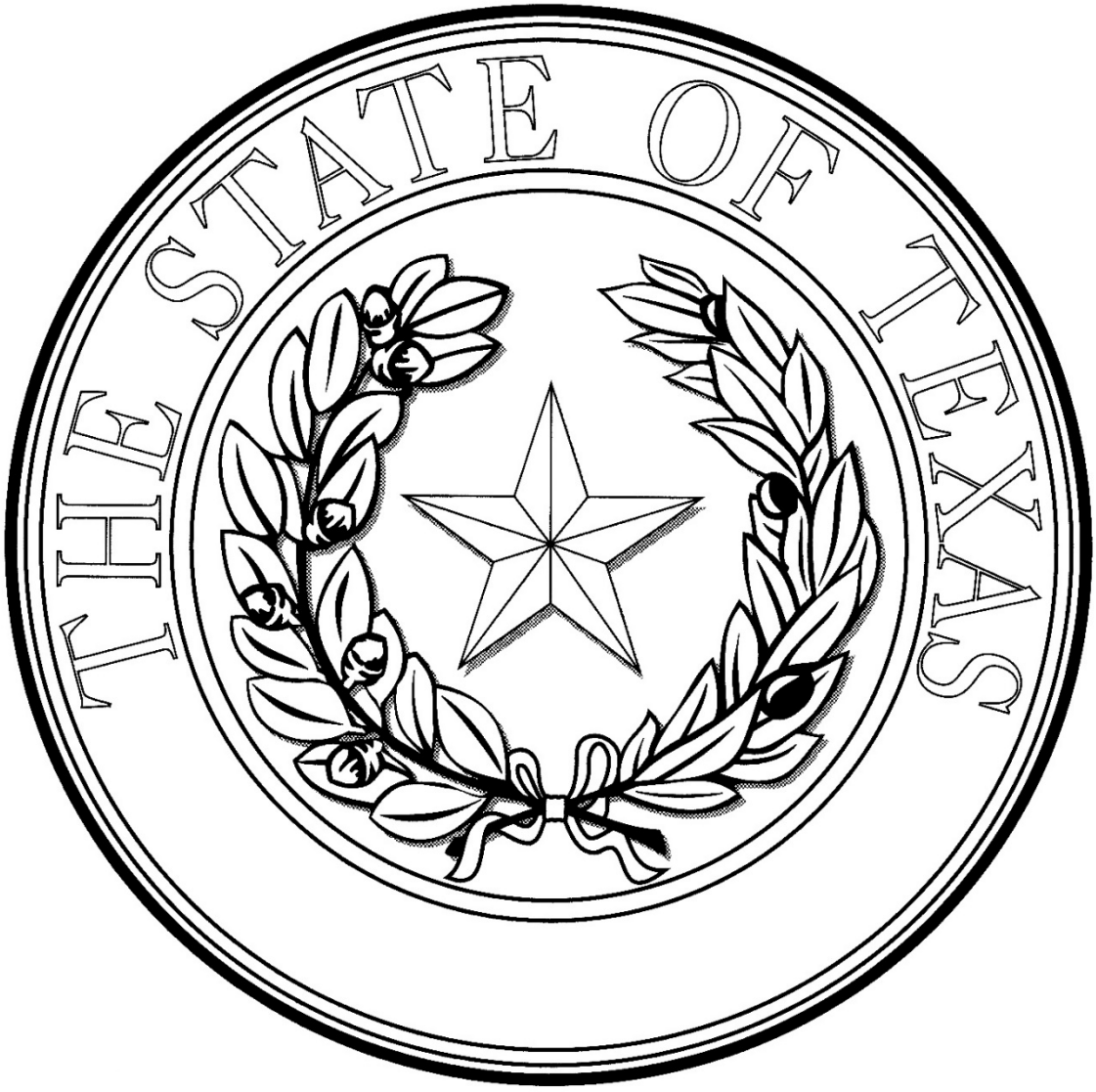
TEXAS REGISTER

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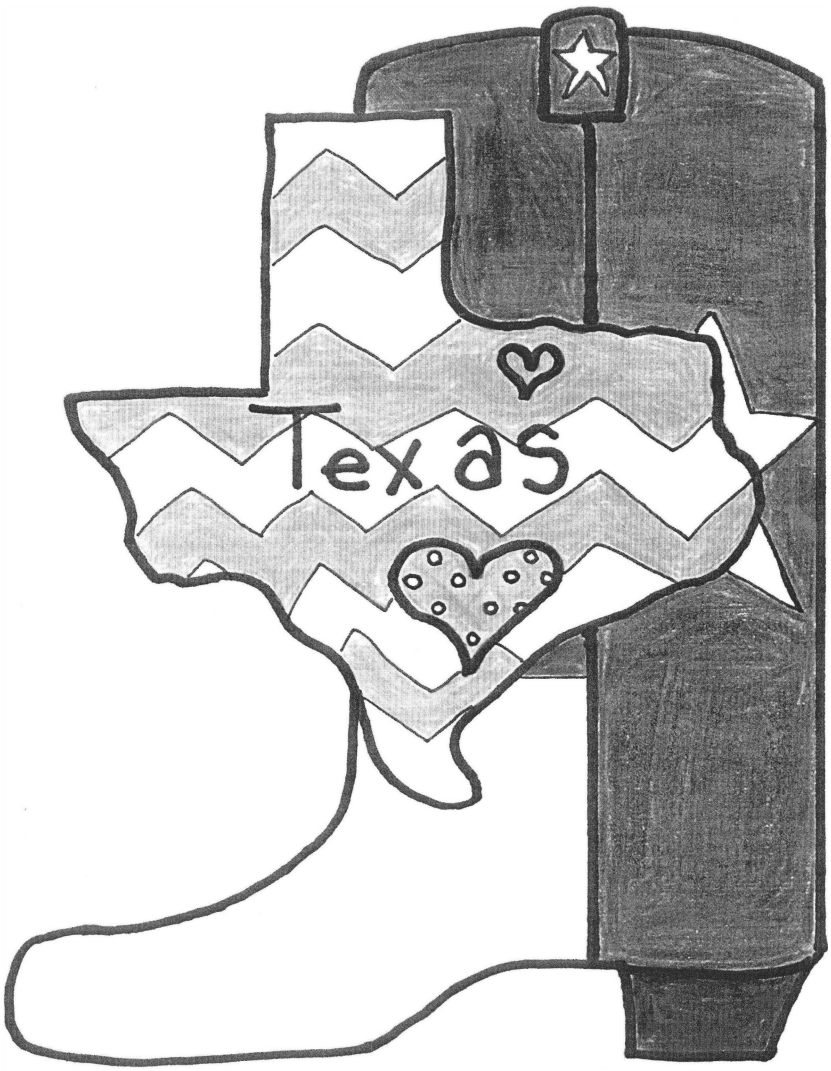
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Texas

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 July 2, 2026

Appointed to the Texas Woman's University Board of Regents for a term to expire February 1, 2031, Dianne C. Costa of Highland Village, Texas (replacing Mary Pincoffs Wilson of Austin whose term expired).

Appointments for July 14, 2026

Appointed to the Texas Opioid Abatement Fund Council for a term to expire February 1, 2031, Yasser F. Zeid, M.D. of Tyler, Texas (replacing John G. Mills, D.O. of Port Bolivar who resigned).

Appointments for July 15, 2026

Appointed as the director of the Task Force of Infectious Disease Preparedness and Response for a term to expire at the pleasure of the Governor, Maria I. "Imelda" Garcia of Austin, Texas (replacing Jennifer A. Shuford, M.D. of West Lake Hills).

Appointed to the Task Force on Infectious Disease Preparedness and Response for a term to expire at the pleasure of the Governor, Maria I. "Imelda" Garcia of Austin, Texas (replacing Jennifer A. Shuford, M.D. of West Lake Hills).

Greg Abbott, Governor

TRD-202602918

♦ ♦ ♦

Proclamation 41-4296

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that the severe storms event that began on July 13th, 2026, and that included heavy rainfall and flash flooding, poses a threat of imminent disaster, including widespread and severe property damage, injury, or loss of life in Atascosa, Austin, Bandera, Bastrop, Bexar, Blanco, Brazoria, Brewster, Burnet, Caldwell, Colorado, Comal, Crockett, DeWitt, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Harris, Hays, Jackson, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Lavaca, Lee, Llano, Mason, Matagorda, Maverick, McMullen, Medina, Menard, Pecos, Real, Schleicher, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Waller, Washington, Webb, Wharton, Williamson, Wilson, Zapata, and Zavala Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in 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.

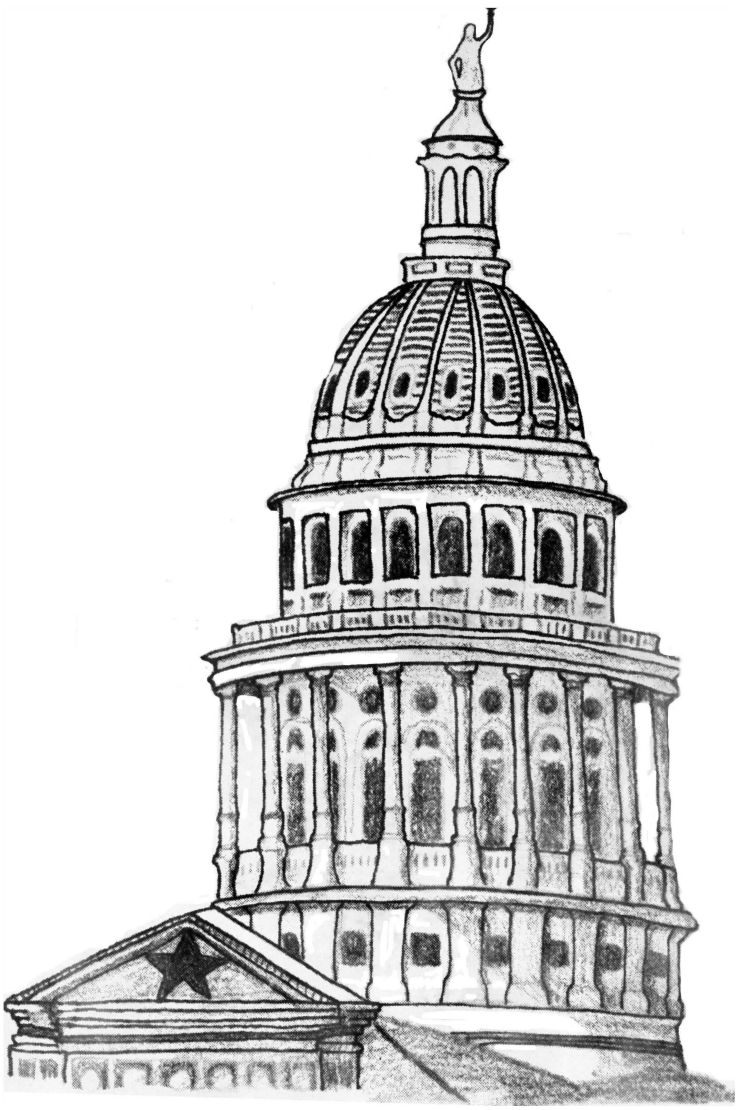
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

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 14th day of July, 2026.

Greg Abbott, Governor

TRD-202602923

♦ ♦ ♦



THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at https://www.texas.attorneygeneral.gov/attorney-general-opinions. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: https://www.texasattorneygeneral.gov/attorney-general-opinions.)

Requests for Opinions

RQ-0648-KP

Requestor:

The Honorable Marco A. Montemayor

Webb County Attorney

1110 Washington Street, Suite 301

Laredo, Texas 78040

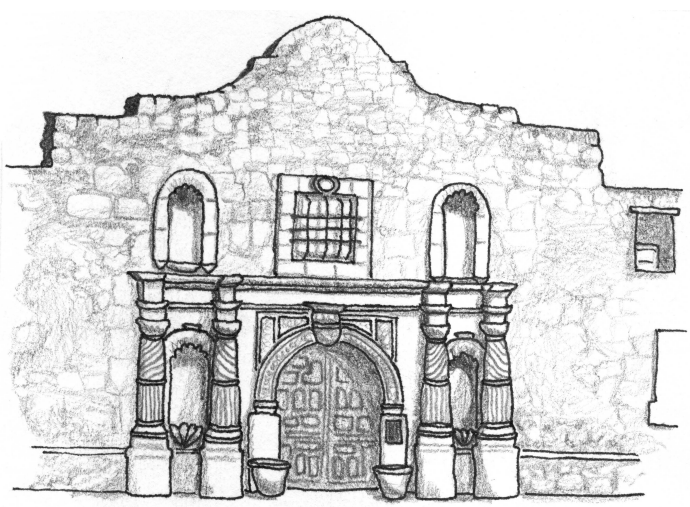
Re: Regarding under what circumstances school districts must obtain the pre-service affidavit required by Texas Education Code §22A.055 (RQ-0648-KP)

Briefs requested by August 10, 2026

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202602893
Justin Gordon
General Counsel
Office of the Attorney General
Filed: July 14, 2026

♦ ♦ ♦



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

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

TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.12

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC §1.12 Negotiated Rulemaking. The purpose of the proposed repeal is to eliminate the current rule while replacing it with a more current version of the rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The repeal does not create or eliminate a government program but relates to means by which the public may seek rulemaking from the Department.

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

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

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

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand or contract the applicability of an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed and new sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The Department requests comments on the proposed repeal. The public comment period will be held July 24, 2026, through August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§1.12. Negotiated Rulemaking.

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 July 9, 2026.

TRD-202602824
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-3959

♦ ♦ ♦

10 TAC §1.12

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC §1.12 Negotiated Rulemaking. The purpose of the proposed rule is to remove unnecessary rule language, add language to ensure compliance with Tex. Gov't Code §2001.021, and retitle the rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The new section does not create or eliminate a government program but relates to means by which the public may seek rulemaking from the Department.

2. The new section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

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

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

5. The new section does not create a new regulation, except that it is replacing a section being repealed simultaneously to provide for revisions.

6. The new section will not expand or contract an existing regulation.

7. The new section will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be a more streamlined rule that is compliant with Tex. Gov't Code 2001.021. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed section and also requests information related to the cost, benefit, or effect of the proposed section, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026, through August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§1.12. Negotiated Rulemaking and Petitions for Rulemaking.

(a) Purpose. In accordance with Tex. Gov't Code §2306.082, the Department encourages the use of negotiated rulemaking procedures for the adoption of Department rules. In accordance with Tex. Gov't Code §2001.021, an interested person(s) may request the adoption of a rule by petition to a state agency.

(b) Negotiated Rulemaking.

(1) Tex. Gov't Code Chapter 2008 describes the procedures for negotiated rulemaking including appointment of a convener; publishing notice of proposed negotiated rulemaking and requesting comments on the proposal; appointing a negotiated rulemaking committee; appointing an impartial third-party facilitator; and proposing the resulting draft rule for public comment.

(2) Any person or organization that would like for the Department to use negotiated rulemaking for the adoption of a Department rule may submit such a request to the Department's Board Secretary. The proposal must identify: the rule proposed for negotiated rulemaking, potential participants for the negotiated rulemaking committee, possible third-party facilitators, and a suggested timeline for the process. The Department may also on its own propose to use negotiated rulemaking.

(3) The Department generally will respond to the request within seven calendar days. If the negotiated rulemaking is not pursued, the Department will provide the party making the request with an explanation for the basis of the decision.

(4) If the Department decides to proceed with a negotiated rulemaking, it shall follow the process outlined in Tex. Gov't Code Chapter 2008 and costs associated with the negotiated rulemaking process will be handled as specified in Tex. Gov't Code §2008.003.

(c) Petitions for Rulemaking.

(1) Submission.

(A) An interested person(s) may petition the Department to request the adoption of a new rule, the repeal of a rule, or an amendment of an existing rule. For the purposes of this section, an interested person must be:

(i) a resident of this state;

(ii) a business entity located in this state;

(iii) a governmental subdivision located in this state; or

(iv) a public or private organization located in this state that is not a state agency.

(B) Such submission must be made in writing to the Executive Director and must include at a minimum the rule citation for which the petition is being submitted, the nature of the requested policy change prompting the submission, specific proposed rule language changes, sufficient contact information for at least one of the petitioners, and an attestation that the petitioner is a Texas resident.

(2) Consideration. The Department will consider the nature of the petition, whether the rule that is the subject of the petition has been recently made available for public comment during a rulemaking, and whether the interested person(s) participated in the public comment process.

(3) Disposition. Not later than the 60th day after the date of submission of a petition under this section, the Department will: deny the petition in writing, stating its reasons for the denial; or initiate a rulemaking proceeding under this subchapter.

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 July 9, 2026.

TRD-202602825
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-3959

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CHAPTER 7. HOMELESSNESS PROGRAMS SUBCHAPTER C. EMERGENCY SOLUTIONS GRANTS (ESG)

10 TAC §7.40

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 7, Emergency Solutions Grant Program, Subchapter C Emergency Solutions Grants, §7.40, Competitive Program Participant Services Selection Criteria. The purpose of the proposed repeal is to replace the rule simultaneously with a new rule that removes unnecessary language.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The proposed repeal does not create or eliminate a government program, but relates to making changes to an existing activity, Selection Criteria for ESG Applications.

2. The proposed repeal does not require a change in work that would require the creation of new

employee positions, nor are the rule changes significant enough to reduce workload to a degree that eliminates any existing employee positions.

3. The proposed repeal does not require additional future legislative appropriations.

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

decrease in fees paid to the Department.

5. The proposed repeal is not creating a new regulation.

6. The proposed repeal will repeal an existing regulation, but that regulation is simultaneously proposed as a new rule to replace it with a more consolidated rule.

7. The proposed repeal will not increase or decrease the number of individuals subject to the

rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES

AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department has evaluated the proposed repeal and determined that the action will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate

or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Department has evaluated the proposed repeal as to its possible effects on local economies and has determined that for the first five years the proposed repeal will be in effect the rule has no economic effect on local employment because the rule relates only to programs and processes which have already been in effect for existing applicants to the program; therefore, no local employment impact statement is required to be prepared for the amended rules.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the new rule will be improved regulatory efficiency and greater clarity. There will not be any economic costs to any individuals required to comply with the amended rule because the rule has already been in place.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repealed rule is in effect, enforcing or administering the new rule does not have any foreseeable implications related to costs or revenues of the state or local governments because the amended rule relates only to programs and processes which have already been in effect for existing subrecipients.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026 to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Rosy Falcon at rosy.falcon@tdhca.texas.gov ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§7.40. Competitive Program Participant Services Selection Criteria.

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 July 9, 2026.

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

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10 TAC §7.40

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 7, Emergency Solutions Grant Program, Subchapter C Emergency Solutions Grants, §7.40, Competitive Program Participant Services Selection Criteria. The purpose of the proposed rule is to remove unnecessary language, improve clarity and provide greater regulatory efficiency.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The proposed new rule does not create or eliminate a government program, but relates to making changes to an existing activity, Selection Criteria for ESG Applications.

2. The proposed new rule does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce workload to a degree that eliminates any existing employee positions.

3. The proposed new rule does not require additional future legislative appropriations.

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

5. The proposed new rule is not creating a new regulation other than that it is replacing an existing rule being simultaneously repealed.

6. The proposed new rule will not expand, limit, or repeal existing regulation.

7. The proposed new rule will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department has evaluated the proposed new rule and determined that the action will not create an economic effect on small or micro-businesses or rural communities.

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

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Department has evaluated the proposed new rule as to its possible effects on local economies and has determined that for the first five years the proposed new rule will be in effect the rule has no economic effect on local employment because the rule relates only to programs and processes which have already been in effect for exist-

ing Subrecipients; therefore, no local employment impact statement is required to be prepared for the proposed new rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the proposed new rule is in effect, the public benefit anticipated as a result of the new rule will be improved regulatory efficiency and greater clarity. There will not be any economic costs to any individuals required to comply with the proposed new rule because the rule has already been in place.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the proposed new rule is in effect, enforcing or administering the new rule does not have any foreseeable implications related to costs or revenues of the state or local governments because the proposed new rule relates only to programs and processes which have already been in effect for existing subrecipients.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed new rule and also requests information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026 to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Rosy Falcon at rosy.falcon@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§7.40. Competitive Program Participant Services Selection Criteria.

(a) An Application for competitive funding allocated under §7.33(b) of this title (relating to Apportionment of ESG Funds), and made to the Department, may be awarded points for Program Participant services under each category. Points awarded for Program Participant services will be separately tabulated and added to the uniform Application score to determine a score for each of the Program Participant services Applications submitted. All scoring criteria that are based upon measurable future performance expectations will be measured and expected to be fulfilled by being included as a performance requirement in the Contract should the Application be awarded funds.

(b) General Scoring Criteria. The following scoring criteria apply to all program components described in subsections (c) through (f) of this section. For each program component for which the Applicant applies, points shall be awarded under each of the following categories:

(1) Matching funds. An Application may receive a maximum of three points if the Applicant commits Matching funds equal to or greater than 110% of the total ESG funds requested for the applicable program component.

(2) Serving Homeless Subpopulations. An Application may receive a maximum of five points by proposing to serve persons who are in a Homeless Subpopulation, as defined in §7.2(31) of this title (relating to Definitions). Points will be awarded in accordance with Table 1.1 General Scoring Criteria.

Figure: 10 TAC §7.40(b)(2)

(3) Exit to a positive housing destination. An Application may receive a maximum of five points based on the percentage of persons served within the 12 months prior to the Application due date who exited homelessness to a positive housing destination per HMIS data standards. Points will be awarded in accordance with Table 1.1 General Scoring Criteria.

(4) Staff qualifications. An Application may receive a maximum of six points if a member of the Applicant's staff interacting with Program Participants in the applicable program component has one or more of the qualifications noted in Table 1.2, Staff Qualification Point Schedule.

Figure: 10 TAC §7.40(b)(4)

(5) Experience. An Application may receive a maximum of 10 points based on the Applicant's experience providing services under the applicable program component. Points will be awarded in accordance with Table 1.1 General Scoring Criteria.

(c) Street outreach. An Application proposing street outreach may receive points under the General Scoring Criteria in subsection (b) of this section, plus the following component-specific criteria:

(1) Street outreach temporary/transitional/permanent housing target. An Application may receive a maximum of three points based on the percentage of persons targeted to be served with street outreach who will be placed in temporary, transitional or permanent housing. Points will be awarded in accordance with Table 2, Component Specific Scoring Criteria.

Figure: 10 TAC §7.40(c)(1)

(2) Street outreach services. An Application may be awarded points based on the number of distinct street outreach services offered through ESG or other funds, including engagement, case management, emergency health services, emergency mental health services, and transportation services. Emergency health services and emergency mental services may only be provided by ESG funds if these services are inaccessible or unavailable within the area. A minimum of two services is required, with a maximum of five points available. Points will be awarded in accordance with Table 2.1 Services Provided Scoring Criteria

(d) Emergency shelter. An Application proposing emergency shelter may receive points under the General Scoring Criteria in subsection (b) of this section, plus the following component-specific criteria:

(1) Emergency shelter permanent housing. An Applicant may receive a maximum of three points based on the percentage of persons served with emergency shelter targeted to be placed in permanent housing. Points will be awarded in accordance with Table 2, Component Specific Scoring Criteria.

(2) Emergency shelter services. Points shall be awarded based on the number of distinct emergency shelter services provided through ESG or other funds, as listed in 24 CFR §576.102. Emergency shelter services include case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, outpatient mental health services, outpatient substance abuse treatment services, and transportation. Outpatient health services, mental services, and substance abuse treatment services should only be provided by ESG funds if these services are otherwise inaccessible or unavailable within the Service Area. A minimum of three services are required, with a maximum of five points available. Points will be awarded in accordance with Table 2.1 Services Provided Scoring Criteria.

Figure: 10 TAC §7.40(d)(2)

(e) Homelessness prevention. An Application proposing homelessness prevention may receive points under the General Scoring Criteria in subsection (b) of this section, plus the following component-specific criteria.

(1) Homelessness prevention maintaining housing. An Application may receive a maximum of three points based on the percentage of persons served with Homelessness prevention who are targeted to maintain their housing for three months or more after program exit. Points will be awarded in accordance with Table 2, Component Specific Scoring Criteria.

(2) Homelessness prevention services and rental assistance. Points shall be awarded based on the number of distinct homeless prevention services and type of rental assistance provided through ESG or other funds. Homeless prevention services and rental assistance include rental application fees, security deposits and last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, mediation, legal services, credit repair, short-term rental assistance, and medium-term rental assistance. A minimum of four services is required, with a maximum of five points available. Points will be awarded in accordance with Table 2.1 Services Provided Scoring Criteria.

(f) Rapid re-housing. An Application proposing rapid re-housing may receive points under the General Scoring Criteria in subsection (b) of this section, plus the following component-specific criteria.

(1) Rapid re-housing maintaining housing. An Application may receive a maximum of three points based on the percentage of persons served with rapid re-housing targeted to maintain their housing for three months or more after program exit. Points will be awarded in accordance with Table 2, Component Specific Scoring Criteria.

(2) Rapid re-housing services and rental assistance. Points shall be awarded based on the number of distinct rapid re-housing services and types of rental assistance provided through ESG or other funds, including rental application fees, security deposits/last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, mediation, legal services, credit repair, short-term rental assistance, medium-term rental assistance. A minimum of four services is required, with a maximum of five points available. Points will be awarded in accordance with Table 2.1 Services Provided Scoring Criteria.

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

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CHAPTER 10. UNIFORM MULTIFAMILY RULES

SUBCHAPTER F. COMPLIANCE MONITORING

10 TAC §10.614

The Texas Department of Housing and Community Affairs (the Department) proposes the amendment of 10 TAC Chapter 10, Subchapter F, §10.614 Utility Allowances. The purpose of the proposed action is to provide a clearer, more efficient and more concise rule for the Department's multifamily properties.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because there are no costs associated with the amendment.

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

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

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

1. The amendment to the rule will not create or eliminate a government program but merely removes redundant and unnecessary verbiage from the rule;

2. The amendment to the rule will not require a change in the number of employees of the Department;

3. The amendment to the rule will not require additional future legislative appropriations;

4. The amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;

5. The amendment to the rule will not create a new regulation, but eliminates unnecessary verbiage and examples to provide a clearer and more concise rule;

6. The amendment to the rule will not repeal an existing regulation;

7. The amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and

8. The amendment to the rule will neither positively nor negatively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the rule amendment is in effect, the public benefit anticipated as a result of the repealed section would be an updated rule that is more efficient and concise.

There will be no economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended rule is in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The public comment period will be held July 24, 2026, to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Wendy Quackenbush at wendy.quackenbush@tdhca.texas.gov or by mail at P.O. Box 13941, Austin, Texas 78711-3941. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§10.614. Utility Allowances.

(a) Purpose. The purpose of this section is to provide the guidelines for calculating a Utility Allowance under the Department's multifamily programs. The Department will cite noncompliance and/or not approve a Utility Allowance if it is not calculated in accordance with this section. An Owner is required to comply with the provisions of this section as well as any existing federal or state program guidance.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. Other capitalized terms used in this section herein have the meanings assigned in Chapters 1, 2, 10, 11, 12, and 13 of this title.

(1) Building Type. The HUD Office of Public and Indian Housing (PIH) characterizes building and unit configurations for HUD programs. The Department will defer to the guidance provided by HUD [~~found at:http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11608.pdf (or successor Uniform Resource Locator (URL))~~] when making determinations regarding the appropriate building type(s) at a Development.

(2) Power to Choose. The Public Utility Commission of Texas database of retail electric providers in the areas of the state where the sale of electricity is open to retail competition. [~~: http://www.powertochoose.org/ (or successor URL).~~] In areas of the state where electric service is deregulated, the Department will verify the availability of residential service through Power to Choose. If the Utility Provider is not listed as a provider of residential service in the Development's ZIP code for an area that is deregulated, the request will not be approved. It is the Owner's responsibility to ensure that a Development in a deregulated area, but within the boundaries of a regulated municipality, is using the appropriate provider.

(3) Component Charges. The actual cost associated with the billing of a residential utility. Each Utility Provider may publish specific utility service information in varying formats depending on the service area. Such costs include, but are not limited to:

(A) Rate(s). Any cost incurred for the actual unit of measure for the utility (e.g., base cost per kilowatt hour for electricity, TDU delivery charges, rate per gallon of water, etc.);

(B) Fees. The cost associated with a residential utility that is incurred regardless of the amount of the utility the household consumes (e.g., Customer Charge);

(C) Taxes. Taxes for electricity and gas are regulated by the Texas Comptroller of Public Accounts and can be found on the website of the Texas Comptroller of Public Accounts [~~http://comptroller.texas.gov/ (or successor URL)~~]. Local Utility Providers have control of the tax structure related to water, sewer and trash. To identify if taxes are imposed for these utilities, obtain documentation directly from the Utility Provider.

(4) Multifamily Direct Loan (MFDL). Funds provided through the HOME, NSP, NHTF, TCAP RF, HOME-ARP, ERA, or other program available through the Department, local political subdivision, or administrating agency for multifamily development that require a Utility Allowance. MFDLs may also include deferred forgivable loans or other similar direct funding, regardless if it is required to be repaid. Housing Tax Credits, Tax Exempt Bonds, CDBG, and Project Based Vouchers are not MFDLs.

(5) Renewable Source. Energy produced from energy property described in IRC §48 or IRC §45(d)(1) through (4), (6), (9), or (11). The manner in which a resident is billed is limited to the rate at which the local Utility Provider would have charged the residents for the utility if that entity had provided it to them, and as may be further limited by the Texas Utilities Code or by regulation.

(6) Submetered Utility. A utility purchased from or through a local Utility Provider by the building Owner where the resident is billed directly by Owner of the building or to a third party billing company and the utility is:

(A) Based on the residents' actual consumption of that utility and not an allocation method or Ratio Utility Billing System (RUBS);

(B) The rate at which the utility is billed does not exceed the rate incurred by the building Owner for that utility; and

(C) Tenants receiving a tenant-based Housing Choice Voucher or residing in a Housing Tax Credit Development may not be charged a service fee for submetered utilities. For MFDL Developments where tenants are being charged a service fee for submetered utilities, the fee must either be included in the Utility Allowance or be included in the gross rent calculation as a mandatory fee.

(7) Utility Allowance. An estimate of the expected monthly cost of any utility for which a resident is financially responsible, other than telephone, cable television, or internet. A utility allowance is considered implemented once the Unit Status Report is updated and rents are restricted.

(A) For HTC, TCAP, Exchange buildings, Bonds, and THTF include:

(i) Utilities paid by the household directly to the Utility Provider;

(ii) Submetered Utilities; and

(iii) Renewable Source Utilities.

(B) For a Development with an MFDL, unless otherwise prescribed in the program's Regulatory Agreement, include all utilities regardless of how they are paid.

(8) Utility Provider. The company that provides residential utility service (e.g., electric, gas, water, wastewater, and/or trash) to the buildings. If the Utility Provider offers more than one rate plan, the plan selected must be available to all households in the building.

(c) Methods. The following options are available to establish a Utility Allowance for all programs except most Developments funded with MFDL funds, which are addressed in subsection (d) of this section. A Development with HOME-ARP Units or Units subject to the 2025 HOME Final Rule, and that does not have Units subject to the 2013 HOME Rule, may use methods in this subsection or subsection (d) of this section, but must select one method per Development if the HOME-ARP Units or Units subject to the 2025 HOME Final Rule are floating or one method per building if these Units are fixed. [~~cannot combine two methods in one building.~~]

(1) Rural Housing Services (RHS) buildings or buildings with RHS assisted residents. The applicable Utility Allowance for the Development will be determined under the method prescribed by the RHS (or successor agency). No other utility method described in this section can be used by RHS buildings or buildings with RHS assisted residents.

(2) HUD-Regulated buildings layered with any Department program. If neither the building nor any resident in the building receives RHS rental assistance payments, and the rents and the Utility Allowances of the building are regulated by HUD (HUD-regulated building), the applicable Utility Allowance for all rent restricted Units in the building is the applicable HUD Utility Allowance. No other utility method described in this section can be used by HUD-regulated buildings. Unless further guidance is received from the U.S. Department of Treasury or the Internal Revenue Service (IRS), the Department considers Developments awarded an MFDL (e.g., HOME) to be HUD-Regulated buildings.

(3) Other Buildings. For all other rent-restricted Units, Development Owners must use one of the methods described in subparagraphs (A) - (E) of this paragraph:

(A) Public Housing Authority (PHA). The Utility Allowance established by the applicable PHA for the Housing Choice Voucher Program. The Department will utilize the Texas Local Government Code, Chapter 392 to determine which PHA is the most applicable to the Development.

(i) If the PHA publishes different schedules based on Building Type, the Owner is responsible for implementing the correct schedule based on the Development's Building Type(s). [~~Example 614(1): The applicable PHA publishes a separate Utility Allowance schedule for Apartments (5+ units), one for Duplex/Townhomes and another for Single Family Homes. The Development consists of 20 buildings, 10 of which are Apartments (5+ units) and the other 10 buildings are Duplexes.~~] The Owner must use the correct schedule for each Building Type.

(ii) In the event the PHA publishes a Utility Allowance schedule specifically for energy efficient units, and the Owner desires to use such a schedule, the Owner must demonstrate that the building(s) meet the housing authority's specifications for energy efficiency once every five years.

(iii) If the applicable PHA allowance lists flat fees for any utility, those flat fees must be included in the calculation of the Utility Allowance if the resident is responsible for that utility.

(iv) If the individual components of a Utility Allowance are not in whole number format, the correct way to calculate the total allowance is to add each amount and then round the total up to the next whole dollar. [~~Example 614(2): Electric cooking is $8.63, Electric Heating is $5.27, Other Electric is $24.39, Water and Sewer is $15. The Utility Allowance in this example is $54.00.~~] If the PHA schedule reflects a rounded amount, then the PHA method of rounding should be used.

(v) If an Owner chooses to implement a methodology as described in subparagraph (B), (C), (D), or (E) of this paragraph, for Units occupied by Section 8 voucher holders, the Utility Allowance remains the applicable PHA Utility Allowance established by the PHA from which the household's voucher is received.

(vi) If the Development is located in an area that does not have a municipal, county, or regional housing authority that publishes a Utility Allowance schedule for the Housing Choice Voucher Program, Owners must select an alternative methodology, unless the building(s) is located in the published Housing Choice Voucher service area of:

(I) A Council of Government created under Texas Local Government Code, Chapter 303, that operates a Housing Choice Voucher Program;

(II) The Department's Housing Choice Voucher Program; or

(III) Another PHA which publishes a separate utility allowance schedule specific to the Development's location.

(B) Written Local Estimate. The estimate must come from the local Utility Provider, be signed by the Utility Provider representative, and specifically include all Component Charges for providing the utility service.

(C) HUD Utility Schedule Model. The HUD Utility Schedule Model and related resources can be found on HUD's website [~~at http://www.huduser.gov/portal/resources/utilallowance.html (or successor URL)~~]. Each item on the schedule must be displayed out two decimal places. The total allowance must be rounded up to the next whole dollar amount. The Component Charges used can be no older than those in effect 60 days prior to the beginning of the 90 day period described in subsection (f)(3) of this section related to Effective Dates.

(i) The allowance must be calculated using the MS Excel version available on HUD's website [~~at http://www.huduser.org/portal/resources/utilmodel.html (or successor URL),~~] as updated from time to time, with no changes or adjustments made other than entry of the required information needed to complete the model.

(ii) In the event that the zip code for the Development is not listed in "Location" tab of the workbook, the Department will default to the PHA code from the PHA that is closest in distance to the Development using online mapping tolls (e.g. Google Maps). If neither the zip code nor the PHA code is listed, a zip code that borders the Development's zip code will be used The Department will obtain the PHA codes from HUD's website. [~~https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_TX.pdf (or successor Uniform Resource Locator (URL)).~~]

(iii) Green Discount. If the Owner elects any of the Green Discount options for a Development, documentation to evidence that the units and the buildings meet the Green Discount standard as prescribed in the model is required for the initial approval and every subsequent annual review. Energy Star certifications will require the certificates for each Unit at the time of the initial Utility Allowance re-

view and a letter from a properly licensed engineer annually thereafter. The engineer letter will be accepted for a period of five (5) years and must be updated thereafter.

(I) In the event the allowance is being calculated for an application of Department funding (e.g., 9% Housing Tax Credits), upon request, the Department will provide both the Green Discount and the non-Green Discount results for application purposes.

(II) At lease up, the owner may use the utility allowance taking into consideration the green discount if they obtain written documentation from a qualified professional (e.g., a qualified energy efficiency consultant) indicating that the Units and buildings will meet the qualifications for the Green Discount within six months of the placed in service date or for MFDL within six months of the construction completion date.

(iv) Do not take into consideration any costs (e.g., penalty) or credits that a consumer would incur because of their actual usage. [~~Example 614(3): The Electric Fact Label for ABC Electric Utility Provider provides a Credit Line of $40 per billing cycle that is applied to the bill when the usage is greater than 999 kWh and less than 2000 kWh. Example 614(4): A monthly minimum usage fee of $9.95 is applied when the usage is less than 1000 kWh in the billing cycle.~~] When calculating the allowance, disregard these types of costs or credits.

(D) Energy Consumption Model. The model must be calculated by a properly licensed mechanical engineer. The license of the engineer must be submitted along with the model. The individual must not be related to the Owner within the meaning of §267(b) or §707(b) of the Code. The utility consumption estimate must, at minimum, take into consideration specific factors that include, but are not limited to, Unit size, building type and orientation, design and materials, mechanical systems, appliances, characteristics of building location, and available historical data. Component Charges used must be no older than those in effect 60 days prior to the beginning of the 90 day period described in subsection (f)(3) of this section related to Effective Dates; and

(E) An allowance based upon an average of the actual use of similarly constructed and sized Units in the building using actual utility usage data and Component Charges, provided that the Development Owner has the written permission of the Department. This methodology is referred to as the "Actual Use Method." For a Development Owner to use the Actual Use Method they must:

(i) Provide a minimum sample size of usage data for at least five Continuously Occupied Units of each Unit Type or 20% of each Unit Type, whichever is greater. If there are less than five Units of any Unit Type, data for 100% of the Unit Type must be provided; and

(ii) Upload the information request and backup documentation as required on the Questionnaire. The Guidance and Questionnaire can be found on the Department's website. The submission must comply with [~~in subclauses (I) - (IV) of this clause to the Development's CMTS account no later than the beginning of the 90 day period after which the Owner intends to implement the allowance, reflecting data no older than 60 days prior to the 90 day implementation period described in described in~~] subsection (f)(3) of this section related to Effective Dates.

[(I) ~~An Excel spreadsheet listing each Unit for which data was obtained to meet the minimum sample size requirement of a Unit Type, the number of bedrooms, bathrooms and square footage for each Unit, the household's move-in date, the utility usage (e.g., actual kilowatt usage for electricity) for each month of the 12 month period for each Unit for which data was obtained, and the Component Charges in place at the time of the submission;~~]

[(II) ~~All documentation obtained from the Utility Provider (or billing entity for the utility provider) and/or copies of actual utility bills gathered from the residents, including all usage data not needed to meet the minimum sample size requirement and any written correspondence from the utility provider;~~]

[(III) ~~The rent roll showing occupancy as of the end of the month for the month in which the data was requested from the utility provider; and~~]

[(IV) ~~Documentation of the current Utility Allowance used by the Development.~~]

[(iii) ~~Upon receipt of the required information, the Department will determine if the Development Owner has provided the minimum information necessary to calculate an allowance using the Actual Use Method. If so, the Department shall calculate the Utility Allowance for each bedroom size using the guidelines described in subclauses (I) - (V) of this clause;~~]

[(I) ~~If data is obtained for more than the sample requirement for the Unit Type, all data will be used to calculate the allowance;~~]

[(II) ~~If more than 12 months of data is provided for any Unit, only the data for the most current 12 will be averaged;~~]

[(III) ~~The allowance will be calculated by multiplying the average units of measure for the applicable utility (i.e., kilowatts over the last 12 months by the current rate) for all Unit Types within that bedroom size. For example, if sufficient data is supplied for 18 two bedroom/one bath Units, and 12 two bedroom/two bath Units, the data for all 30 Units will be averaged to calculate the allowance for all two bedroom Units;~~]

[(IV) ~~The allowance will be rounded up to the next whole dollar amount. If allowances are calculated for different utilities, each utility's allowance will be rounded up to the next whole dollar amount and then added together for the total allowance; and~~]

[(V) ~~If the data submitted indicates zero usage for any month, the data for that Unit will not be used to calculate the Utility Allowance.~~]

(iii) [~~(iv)~~] The Department will complete its evaluation and calculation within 45 days of receipt of all the information requested in clause (ii) of this subparagraph;

(d) In accordance with 24 CFR §§92.252 and 93.302, for an MFDL in which the Department is the funding source, the Utility Allowance will be established in the following manner:

(1) For Developments with fixed MFDL Units, only one utility allowance may be used in buildings with MFDL units. For Developments with floating MFDL Units, only one utility allowance may be used for the entire Development.

(2) For Developments that, as a result of funding, must calculate the Utility Allowance under HUD Multifamily Notice H-2015-4, as revised from time to time, the applicable Utility Allowance for all rent restricted Units in the building is the applicable Utility Allowance calculated under that Notice. No other utility method described in this section can be used.

(3) Other Buildings. The Utility Allowance may be initiated by the Owner using the methodologies described in subsection (c)(3)(B), (C), (D), or (E) of this section related to Methods. Buildings for which the only source of MFDL funding is HOME-ARP and

which contain no Units subject to the 2013 HOME Rule may calculate the Utility Allowance using the methodology described in subsection (c)(3)(A) of this section. A Development that is subject to the 2025 HOME Final Rule may also use the methodology described in subsection (c)(3)(A) of this section, if the Development does not also contain Units subject to the 2013 HOME rule. The methodology must be annually reviewed and approved by the Department.

(4) If a request is not received by October 1st, the Department will calculate the Utility Allowance using the HUD Utility Schedule Model. For property specific data, the Department will use:

(A) The information submitted in the Annual Owner's Compliance Report;

(B) Monitor Review Questionnaires submitted with prior monitoring reviews; or

(C) The owner may be contacted and required to complete the Utility Allowance Questionnaire. In such case, a five day period will be provided to return the completed questionnaire.

(D) Utilities will be evaluated in the following manner:

(i) For regulated utilities, the Department will contact the Utility Provider directly and apply the Component Charges in effect no later than 60 days before the allowance will be effective.

(ii) For deregulated utilities:

(I) The Department will use the Power to Choose website and search available Utility Providers by ZIP code;

(II) The plan chosen will be the median cost per kWh based on average price per kWh for the average monthly use of 1000 kWh of all available plans; and

(III) The actual Component Charges from the plan chosen in effect no later than 60 days before the allowance will be effective will be entered into the Model.

(E) The Department will notify the Owner contact in CMTS of the new allowance and, if requested, provide the backup for how the allowance was calculated. The owner will be provided a five day period to review the Department's calculation and note any errors. Only errors related to the physical characteristics of the building(s) and utilities paid by the residents will be reconsidered; the utility plan and Utility Provider selected by the Department and Component Charges used in calculating the allowance will not be changed. During this five day period, the owner also has the opportunity to submit documentation and request use of any of the available Green Discounts.

(F) The allowance must be implemented for rent due in all program Units thirty days after the Department notifies the Owner of the allowance.

(5) Buildings in which there are Units under an MFDL program are considered HUD-Regulated buildings and the applicable Utility Allowance for all rent restricted Units in the building is the Utility Allowance calculated under the MFDL program. If the Department is the awarding entity, no other utility method described in this section can be used. If the Department is not the awarding jurisdiction, Owners are required to obtain, annually, the Utility Allowance established by the awarding jurisdiction, and to document all efforts to obtain such allowance to evidence due diligence in the event that the jurisdiction is nonresponsive. In such an event, provided that sufficient evidence of due diligence is demonstrated, the Department, in its sole discretion, may allow for the use of the methods described in subsection (c)(3)(B), (C), (D) or (E) of this section related to Methods to calculate and establish its utility allowance.

(e) Acceptable Documentation. For the Methods where utility specific information is required to calculate the allowance (e.g., base charges, cost per unit of measure, taxes) Owners should obtain documentation directly from the Utility Provider and/or Regulating State Agency. Any Component Charges related to the utility that are published by the Utility Provider and/or Regulating State Agency must be included. In the case where a utility is billed to the Owner of the building(s) and the Owner is billing residents through a third party billing company, the Component Charges published by the Utility Provider and not the third party billing company will be used.

(f) Changes in the Utility Allowance. An Owner may not change Utility Allowance methods, start or stop charging residents for a utility without prior written approval from the Department. [~~Example 614(5): A Housing Tax Credit Development has been paying for water and sewer since the beginning of the Compliance Period. In year eight, the Owner decides to require residents to pay for water and sewer. Prior written approval from the Department is required.~~] Any such request must include the Utility Allowance Questionnaire found on the Department's website and supporting documentation. Developments may not start or stop charging residents for a utility during a lease term.

(1) The Department will review all requests, with the exception of the methodology prescribed in subsection (c)(3)(E) of this section related to Methods, within 90 days of the receipt of the request.

(2) If the Owner fails to post the notice to the residents and simultaneously submit the request to the Department by the beginning of the 90 day period, the Department's approval or denial will be delayed for up to 90 days after Department notification. [~~Example 614(6): The Owner has chosen to calculate the electric portion of the Utility Allowance using the written local estimate. The annual letter is dated July 5, 2022, and the notice to the residents was posted in the leasing office on July 5, 2022. However, the Owner failed to submit the request to the Department for review until September 15, 2022. Although the Notice to the Residents was dated the date of the letter from the utility provider, the Department was not provided the full 90 days for review. As a result, the allowance cannot be implemented by the owner until approved by the Department.~~]

(3) Effective dates. If the Owner uses the methodology as described in subsection (c)(3)(A) of this section related to Methods, no posting is required, and any changes to the allowance can be implemented immediately, but must be implemented for rent due at least 90 days after the change. For methodologies as described in subsection (c)(3)(B), (C), (D) and (E) of this section related to Methods, the allowance cannot be implemented until the estimate is submitted to the Department and is made available to the residents by posting in a common area of the leasing office at the Development. This action must be taken by the beginning of the 90 day period in which the Owner intends to implement the Utility Allowance. Nothing in this section prohibits an Owner from reducing a resident's rent prior to the end of the 90 day period when the proposed allowance would result in a gross rent issue. Figure: 10 TAC §10.614(f)(3) (No change.)

(g) Requirements for Annual Review.

(1) RHS and HUD-Regulated Buildings. Owners must demonstrate that the utility allowance has been reviewed annually and in accordance with the RHS or HUD regulations.

(2) Buildings using the PHA Allowance. Owners are responsible for periodically determining if the applicable PHA released an updated schedule to ensure timely implementation. When the allowance changes or a new allowance is made available by the PHA, it can be implemented immediately, but must be implemented for rent due 90 days after the PHA published effective date.

(3) Written Local Estimate, HUD Utility Model Schedule and Energy Consumption Model. Owners must update the allowance once a calendar year. The update and all back up documentation required by the method must be submitted to the Department no later than October 1st of each year. However, Owners are encouraged to submit prior to the deadline to ensure the Department has time to review. At the same time the request is submitted to the Department, the Owner must post, at the Development, the Utility Allowance estimate in a common area of the leasing office where such notice is unobstructed and visible in plain sight. The Department will review the request for compliance with all applicable requirements and reasonableness. If, in comparison to other approved Utility Allowances for properties of similar size, construction and population in the same geographic area, the allowance does not appear reasonable or appears understated, the Department may require additional support and/or deny the request. With the exception of MFDL developments, if an Owner fails to submit for annual review during the calendar year, the Development's Utility Allowance will default to the applicable PHA allowance. If the Development is located in an area that does not have a PHA, the Development fails to have a properly calculated Utility Allowance. The Utility Allowance for MFDL Developments that fail to submit for annual review will be calculated pursuant to subsection (d) of this section.

(4) Actual Use Method. Owners must update the allowance once a calendar year. The update and all back up documentation required by the method must be submitted to the Department no later than August 1st of each year. However, Owners are encouraged to submit prior to the deadline to ensure the Department has time to review. With the exception of MFDL developments, if an Owner fails to submit for annual review during the calendar year, the Development's Utility Allowance will default to the applicable PHA allowance. If the Development is located in an area that does not have a PHA, the Development fails to have a properly calculated Utility Allowance. The Utility Allowance for MFDL Developments that fail to submit for annual review will be calculated using the HUD Utility Model Schedule.

(h) For Owners participating in the Department's Section 811 Project Rental Assistance (PRA) Program, the Department's 811 division staff will approve the Utility Allowance for all 811 Units. On an annual basis, the Owner is responsible for submitting a Utility Allowance to the Department's 811 division for review. Once approved, the 811 division will provide the Owner with a property-specific rent schedule containing the approved Utility Allowance. The allowance listed on the rent schedule only applies to 811 PRA Units, not the entire building, and is the only allowance approved for use on 811 PRA Units. Failure to obtain an updated rent schedule for changes in utility allowances and gross rents will result in noncompliance and will require the Department to monitor tenant rents using the current approved rent schedule.

(i) Combining Methods. In general, Owners may combine any methodology described in this section for each utility service type paid directly by the resident and not by or through the Owner of the building (e.g., electric, gas). For example, if residents are responsible for electricity and gas, an Owner may use the appropriate PHA allowance to determine the gas portion of the allowance and use the Actual Use Method to determine the electric portion of the allowance. RHS and certain HUD-Regulated buildings (e.g., buildings with MFDL funds) are not allowed to combine methodologies.

(j) The Owner shall maintain and make available for inspection by the resident all documentation, including, but not limited to, the data, underlying assumptions and methodology that was used to calculate the allowance. Records shall be made available at the resident manager's office during reasonable business hours or, if there is no resident manager, at the dwelling Unit of the resident at the convenience of both the Owner and resident.

(k) Utility Allowances for Applications.

(1) If the application includes RHS assisted buildings or tenants, the utility allowance is prescribed by the RHS program. No other method is allowed.

(2) If the application includes HUD-Regulated buildings for HUD programs other than an MFDL program the applicable Utility Allowance for all rent restricted Units in the building is the applicable HUD Utility Allowance. No other utility method is allowed.

(3) If the application includes MFDL funds from the Department, Applicants may calculate the utility allowance in accordance with subsection (c)(3)(B), (C), (D) or (E) of this section related to Methods. A Development with HOME-ARP Units that is subject to the 2025 HOME Final Rule may use subsection (c)(3)(A) of this section, if the Development does not also contain one or more Units subject to the 2013 HOME Final Rule. Applicants must submit their utility allowance to the Compliance Division prior to full application submission. In the event that the application has an MFDL from the Department, and receives federal funds from a unit of local government, the Department will require the use of the allowance approved by the Department.

(4) If the application includes federal funds from a unit of local government but no MFDL from the Department, Applicants are required to request in writing the Utility Allowance from the awarding jurisdiction. If the awarding jurisdiction does not respond or requests the Department calculate the allowance, the Department will establish the initial Utility Allowance in accordance with subsection (d)(3) of this section.

(5) For all other applications, Applicants may calculate the utility allowance in accordance with subsection (c)(3)(A), (B), (C), (D), or (E) of this section related to Methods. If using the method described in subsection (c)(3)(B), (C), (D), or (E) of this section, applicants must submit their utility allowance to the Compliance Division prior to full application submission.

(A) Upon request, the Compliance Division will calculate or review an allowance for application. The request must be submitted to the Compliance Division no later than 21 days, but no earlier than 90 days, from when the application is due.

~~[(B) Example 614(7): An application for a 9% HTC is due March 1, 2022. The applicant would like Department approval to use an alternative method by February 15, 2022. The request must be submitted to the Compliance Division no later than January 25, 2022, three weeks before February 15, 2022.]~~

~~[(C) Example 614(8): An Applicant intends to submit an application for a 4% HTC with Tax Exempt Bonds on August 11, 2022, and would like to use an alternative method. Because approval is needed prior to application submission, the request can be submitted no earlier than May 13, 2022, (90 days prior to August 11, 2022) and no later than July 21, 2022, (21 days prior to August 11, 2022).]~~

(B) [~~(D)~~] Any requests for new resources (either additional funds or tax credits) on a Development with an existing Department LURA must use the method that is in effect on the existing Development. If the Owner wishes to change or if for an MFDL application is required to change the methods for the purposes of the application, a request for the existing Development must first be submitted to the Compliance Division for approval.

(6) All Utility Allowance requests related to applications of funding must

[~~(A) Be submitted directly to UA-Application@tdhca.texas.gov. Requests not submitted to this email address will not be recognized.~~]

[~~(B)~~] include [~~Include~~] the "Utility Allowance Questionnaire for Applications" along with all required back up based on the method. If back-up is not submitted the Utility Allowance will be calculated using the HUD Utility Schedule Model as described in subsection (d)(3) of this section.

(l) If Owners want to change to a utility allowance other than what was used for underwriting the Owner must submit Utility Allowance documentation for Department approval, at minimum, 90 days prior to the commencement of leasing activities. The Owner is not required to review the utility allowances, or implement new utility allowances, until the building has achieved 90% occupancy for a period of 90 consecutive days or the end of the first year of the Credit Period (if applicable), whichever is earlier. Once a request to change the utility allowance is approved or implemented, the utility allowance used at underwriting is no longer valid.

(m) Department review and approval of Renewable Sources (e.g. solar):

(1) Methods outlined in subsection (c)(3)(A), (B), (C), (D) and (E) of this section are allowable if the Utility Provider or PHA publishes a rate plan or schedule specific to Renewable Sources. The method outlined in subsection (c)(3)(E) of this section is allowable only after occupancy is established as outlined in subsection (c)(3)(E) of this section;

(2) Only buildings benefitting from Renewable Sources can use a Renewable Source utility allowance;

(3) Tenants (not Owners) must benefit from the Renewable Source in a manner that is not a discount or credit. To evidence the benefit, 20% of current tenant bills must be submitted with the request; and

(4) An Owner must submit both the Renewable Source allowance and the non-Renewable Source allowance for approval regardless of methodology or current occupancy. If the Renewable Source is damaged or inoperable for more than 30 days, the non-Renewable Source allowance must be implemented. At the time of the first review or the first annual utility allowance review, whichever is first, the Owner must be able to demonstrate with tenant bills that the tenants are benefitting from the Renewable Source; otherwise, the non-Renewable allowance must be used.

(n) The Department reserves the right to outsource to a third party the review and approval of all or any Utility Allowance requests to use the Energy Consumption Model or when review requires the use of expertise outside the resources of the Department. In accordance with Treasury Regulation §1.42-10(c) any costs associated with the review and approval shall be paid by the Owner.

(o) All requests described in this subsection must be complete and uploaded as required on the applicable Questionnaire for both established Developments and Applications. [~~directly to the Development's CMTS account using the "Utility Allowance Documents" in the type field and "Utility Allowance" as the TDHCA Contact.~~] The Department will not be able to approve requests that are incomplete and/or are not submitted correctly.

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 July 9, 2026.

TRD-202602816
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-3959

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SUBCHAPTER I. PUBLIC FACILITY CORPORATION COMPLIANCE MONITORING

10 TAC §§10.1101 - 10.1105, 10.1107

The Texas Department of Housing and Community Affairs (the Department) proposes amendments to 10 TAC Chapter 10, Subchapter I, Public Facility Corporation Compliance Monitoring, §10.1101 Purpose, §10.1102 Definitions, §10.1103 Reporting Requirements, §10.1104 Audit Requirements, §10.1105 Income and Rent Requirements, and §10.1107 Options. The purpose of the proposed action is to provide a clearer, more efficient and more concise rule for Public Facilities Corporation Developments over which the Department has compliance monitoring oversight. The proposed amendment removes unnecessary requirements from the rule; adds new language that simplifies requirements for pre and post June 18, 2023, PFC developments; adds a new definition; provides clear timeframes for the issuance of reports, corrective action and close out letters; and specifies what must be included with the submission of an Audit report and the mechanism of how a report must be submitted to the Department. Audit requirements were simplified and aligned with 10 TAC Chapter 10, Subchapter J, which are the Housing Finance Corporation rules, when appropriate to provide more detailed guidance to PFC Users, Auditors and stakeholders on what is required to be submitted, and when and how rent reduction calculation is to be completed. New examples were included to provide detailed guidance on how the available unit rule is applied and to establish methods for determining maximum market rent when a Development is 100% restricted. Additional proposed requirements were added to allow the exemption of basic military housing allowance income from the calculation of annual income and to expand the appeals process for findings of noncompliance.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because there are no costs associated with the amendment.

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

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

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

1. The amendment to the rule will not create or eliminate a government program but merely relates to the compliance monitoring processes already in place for PFCs;

2. The amendment to the rule will not require a change in the number of employees of the Department;

3. The amendment to the rule will not require additional future legislative appropriations;

4. The amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;

5. The amendment to the rule will not create a new regulation, merely improves the existing rule related to PFCs;

6. The amendment to the rule will not repeal an existing regulation;

7. The amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and

8. The amendment to the rule will neither positively nor negatively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the rule amendment is in effect, the public benefit anticipated as a result of the amended sections would be an updated rule that is more efficient, concise, and provides clearer guidance for PFCs. There will be no economic costs to individuals required to comply with the amended section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended rule is in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the amendments and requests information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis from any person required to comply with the proposed amendments or any other interested person. The public comment period will be held July 24, 2026, to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Wendy Quackenbush at wendy.quackenbush@tdhca.texas.gov or by mail at P.O. Box 13941, Austin, Texas 78711-3941. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§10.1101. Purpose and Applicability.

The purpose of Chapter 10, Subchapter I is to:

(1) Provide the reporting requirements described in §10.1103 of this Subchapter (relating to Reporting Requirements) for the audit requirements detailed in §10.1104 of this Subchapter (relating to Audit Requirements) in the following manner:

(A) Development enacted prior to June 18, 2023, are subject to §10.1104(a); or

(B) Development enacted on or after June 18, 2023, are subject to all subsections in §10.1104.

(2) [~~(1)~~] Establish rules governing Developments owned or sponsored by a Public Facility Corporation (PFC) that are subject to Sections 303.0421 and 303.0425 of the Texas Local Government Code.

(3) [~~(2)~~] Enable the Department to communicate with Responsible Parties and persons with an interest in the Development, regarding the results of the Audit Report.

(4) [~~(3)~~] Establish qualifications for Auditors and reporting standards and formats.

(5) [~~(4)~~] Implement compliance requirements, tenant protections, and affirmative marketing requirements, as required by Sections 303.0421 and 303.0425 of the Texas Local Government Code.

(6) Applicability. This rule is not applicable to a Development that has at least 20 percent of its residential units reserved for public housing; that participates in the Rental Assistance Demonstration program administered by HUD; that receives financial assistance administered under Chapter 1372, Government Code, or that receives financial assistance from another type of tax-exempt bond; or that receives financial assistance administered under Subchapter DD, Chapter 2306, Government Code.

§10.1102. Definitions.

The capitalized terms or phrases used herein are defined in the title. Any other capitalized terms in the subchapter shall have the meaning defined in Chapter 2306 of the Texas Government Code, Chapter 303, Texas Local Government Code, [;] and other state or Department rules, as applicable. Defined terms, when not capitalized, are to be read in context and construed according to common usage.

(1) Audit Report--A report completed by an Auditor or compliance expert, in a manner and format prescribed by the Department.

(2) Auditor--An individual who is an independent auditor or compliance expert with an established history of providing similar audits on housing compliance matters, meeting the criteria established herein.

(3) Board--The governing board of the Texas Department of Housing and Community Affairs.

(4) Chief Appraiser--The chief appraiser of the appraisal district in which a Development is located.

(5) Department--The Texas Department of Housing and Community Affairs.

(6) Development--A multifamily residential development owned by a Public Facility Corporation and operated by an Operator.

(7) Housing Choice Voucher Program--The housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437[{]f).

(8) HUD--The United States Department of Housing and Urban Development.

(9) Public Facility Corporation (PFC)--A nonprofit corporation that can be created by a municipality, county, school district, housing authority or a Sponsor, as outlined in Chapter 303 of the Texas Local Government Code.

(10) Public Facility User--A [a] public-private partnership entity or a developer or other private entity that has an ownership interest or a leasehold or other possessory interest in a public facility that is a multifamily residential development. For purposes of all provisions within this rule, the terms "Public Facility User" and "Operator" shall have the same meaning and shall be interchangeable.

(11) Rent Reduction--The projected difference between the annual rent charged for a Restricted Unit and the maximum market rent that could be charged for the same unit without income restrictions.

(12) [~~(11)~~] Regulatory Agreement--A Land Use Restriction Agreement (LURA), Ground Lease, Deed Restriction, and any similar restrictive instrument that is recorded in the real property records of the county in which the Development is located.

(13) [~~(12)~~] Responsible Parties--The Texas Comptroller of Public Accounts, and with respect to a Development, the applicable Operator, the PFC, the governing body of the PFC's Sponsor, and, if the PFC's Sponsor is a housing authority, the elected officials responsible for appointing the housing authority's governing board.

(14) [~~(13)~~] Restricted Unit--A residential unit in a Development that is reserved for or occupied by a household meeting certain income limitations established in the Regulatory Agreement, with rent for such unit restricted as set forth in these rules. Restricted Units may float in a Development and need not be permanently fixed.

(15) [~~(14)~~] Sponsor--A municipality, county, school district, housing authority, or special district that causes a corporation to be created to act in accordance with Chapter 303, Texas Local Government Code.

(16) [~~(15)~~] Unit Type--Means the type of unit determined by the number of bedrooms.

§10.1103. Reporting Requirements.

The following reporting requirements apply to all Developments owned by a Public Facility Corporation (PFC), subject to Sections 303.0421 and 303.0425 of the Texas Local Government Code, and not eligible under Section 10(b) or (c) of House Bill 2071, 88th Texas Legislative Session, effective June 18, 2023, (the Act) for continuation of the former law in effect prior to the effective date of the Act. Pursuant to Section 10(d) of the Act, all Developments owned by a PFC as described in Tex. Local Gov't Code §303.0421(a), and with respect to which an exemption is sought or claimed under §303.042(c) - regardless of when the Development was acquired, approved, or occupied - must submit an Audit Report in accordance with §303.0426(b) as described below.

(1) No later than June 1 of each year, the Public Facility User will submit to the Department an Audit Report from an Auditor, obtained at the expense of the Public Facility User. The Department will reject any Audit Report received after June 1 of the applicable reporting year. Failure to submit an Audit Report, or submission of an Audit Report after the June 1 deadline, constitutes noncompliance and shall be reported to the responsible parties, the Chief Appraiser, and the Comptroller. [~~Concurrently with submission of the Audit Report, the Operator will complete the contact information form available on the Department's website. For Developments eligible for continuation of the former law in effect prior to June 18, 2023, the first Audit Report (due no later than December 15, 2024, with a one-time discretionary extension of 30 days available from the Department upon written showing of good cause, if submitted to pfc.monitoring@tdhca.texas.gov prior to 5:00 p.m. on December 15th), will satisfy the requirements of Tex. Local Gov't Code §303.0426(b)(1) (compliance with new statutory provisions) by demonstrating its eligibility to continue under the former law, but must still fully address the requirements of §303.0426(b)(2) (identifying the difference in rent charged for income-restricted residential units and the estimated maximum market rents that could be charged for those units without the rent or income restrictions).~~]

(2) All Audit Reports must comply with subparagraphs (A) to (C) of this paragraph:

(A) be for at least the full prior reporting period ending December 31 and include a rent roll for the same period;

(B) include contact information for all Responsible Parties; and

(C) be completed and submitted in the Department prescribed manner, including all published forms which may not be altered or modified.

(3) [~~(2)~~] The first Audit Report must include a copy of the Regulatory Agreement. The first Audit Report for a Development must be submitted no later than June 1 of the year following the first anniversary of:

(A) The date of the PFC acquisition for an occupied Development; or

(B) The date a newly constructed PFC Development first becomes occupied by one or more tenants.

(4) [~~(3)~~] No later than 45 [~~60~~] days after the receipt of the Audit Report, the Department will post a summary of the Audit Report on its website including a detailed description of any noncompliance with this rule found by the Auditor and indication that such notice does not constitute a final determination. A copy of the summary of the Audit Report will also be provided to [~~the Development and~~] all Responsible Parties. [~~The summary must describe in detail the nature of any noncompliance.~~]

(5) [~~(4)~~] If any noncompliance with Sections 303.0421 and 303.0425 are identified by the Auditor, no later than 60 [~~45~~] days after receipt of the Audit Report, the Department [~~the Department,~~] will issue a monitoring report notice and make it available on the website. [~~notify the Public Facility User. The notification must include a detailed description of the noncompliance and at least one option for corrective action to resolve the noncompliance. The Public Facility User will be given 60 days to correct the noncompliance. At the end of the 60 days, the Department will post a final report on its website.~~]

(A) The monitoring report will include a detailed description of any noncompliance and at least one option for corrective action to resolve the noncompliance. The PFC User will be given 60 days from the issuance of the monitoring report notice to correct the noncompliance. At the end of the 60 days, the Department will post a final report on its website.

(B) If there is any noncompliance that is not corrected within the 60-day corrective action period, the Department will notify the Responsible Parties, Chief Appraiser, and the Texas Comptroller in writing and recommend a loss of ad valorem tax exemption respective to the Tax year being Audited.

[~~(5) If all noncompliance is not corrected within the 60 days, the Department will notify the Public Facility User, appropriate~~

~~appraisal district, and the Texas Comptroller. The Department will also recommend a loss of tax-exempt status.~~]

(6) The qualification of the Auditor must be submitted with each Audit Report. Qualifications must include experience auditing housing compliance, a current Certified Occupancy Specialist (COS) certification or an equivalent certification, and resume. The Auditor may not be affiliated with or related to any Responsible Parties. Additionally, a current or previous Management Agent that has or had oversight of the Development or is/was responsible for reviewing and approving tenant files does not qualify as an Auditor under these rules.

(7) The Public Facility User may not engage the same individual as Auditor for a particular Development for more than three consecutive years. After the third consecutive Audit Report by the same Auditor, the Public Facility User must engage a new Auditor for at least two reporting years before re-engaging with a prior Auditor.

(8) Audit Reports, [~~and~~] supporting documentation, [~~and~~] required forms, and corrective action must be submitted through the Departments File Serve System. To obtain access to this system, the PFC User and / or Auditor must request access by emailing pfc.monitoring@tdhca.texas.gov [~~to the following email address: pfc.monitoring@tdhca.state.tx.us~~].

§10.1104. Audit Requirements.

(a) The Auditor must identify the difference in the rent charged for income-restricted residential Units and the estimated maximum market rents that could be charged for those Units without the rent or income restrictions.

(b) [~~(a) The Auditor must use the Department's Public Facility Corporation monitoring forms made available on the website. The review performed by the Auditor may be completed either onsite or electronically. Original records must be made available to the Auditor.~~] The tenant file sample used by the Auditor must contain at least twenty percent (20%) of the total number of Restricted Units for the Development, but no more than a total of fifty (50) household files. The selection of Restricted Units should primarily be new move-ins but should also include at least ten percent (10%) sample of all the household files that have recertified. For Developments that are leasing up and not yet fully occupied, the percentages reflected in this paragraph should be applied to all occupied Restricted Units.

(c) [~~(b)~~] The Auditor will ensure Development meets the following requirements and will identify any deficiencies found in the report:

(1) The Development has a properly recorded Regulatory Agreement with an initial minimum 10-year term.

(2) For newly constructed Developments:

(A) At least ten percent (10%) of the units in the Development are reserved for, or occupied by, households at or below sixty percent (60%) Area Median Income (AMI), adjusted for household size, as established by HUD;

(B) At least an additional forty percent (40%) of the units in the Development are reserved for, or occupied by, households at or below eighty percent (80%) AMI, adjusted for household size, as established by HUD.

(3) For occupied Developments acquired by the PFC:

(A) At least twenty-five percent (25%) of the units in the Development are reserved for, or occupied by, households at or below sixty percent (60%) AMI, adjusted for household size, established by HUD; and

(B) At least an additional forty percent (40%) of the units in the Development are reserved for, or occupied by, households at or below eighty percent (80%) AMI, adjusted for household size, as established by HUD; or

(C) The Development meets the household income restrictions set forth in §10.1104(B); and

(D) The Operator expends at least fifteen percent (15%) of the gross cost of the Development, as shown in the settlement statement, on rehabilitating, renovating, reconstructing, or repairing, the Development, with such activities commencing no later than the first anniversary of the date of acquisition, and concluding no later than the third anniversary of the date of acquisition.

(4) Monthly rent for Restricted Units may not exceed thirty percent (30%) of the imputed household income limitation for the unit, adjusted for family size [~~an imputed family size of one person per bedroom plus one person~~], as determined by HUD. To determine the adjustment for family size, the Auditor will defer to the Development's Regulatory Agreement and/or other operative document. In the event that the adjustment for family size is unclear, it is the responsibility of the PFC User to provide the Auditor support that the manner in which the adjustment was applied is acceptable by the PFC. Notwithstanding the foregoing, if a Restricted Unit is occupied by a household with a Housing Choice Voucher, and the payment standard for that voucher is less than the monthly rent for the Restricted Unit established pursuant to the immediately preceding sentence, the household may be required to pay the difference between the payment standard and the monthly rent.

(5) The percentage of Restricted Units in each Unit Type in the Development, must be the same or greater percentage as the percentage of each Unit Type of units that are not Restricted Units in the Development.

(6) Occupants of Restricted Units are required to recertify at the time of the renewal of a lease agreement, the income of the household using a Department-approved Income Certification form. If a household exceeds the income limit at an annual income recertification, the Operator should follow the Available Unit Rule as outlined in Section 42(g)(2)(D) of the Internal Revenue Code, which will be implemented in the following manner: [~~.~~]

(A) Where the household's income exceeds the AMI as designated, the household can be redesignated to the next AMI level in the Regulatory Agreement. The next available unit of comparable size in the Development is to be reserved for and occupied by a tenant that meets the AMI of the household that was determined to exceed the income limit. Example 1104(1): Development Regulatory Agreement includes units at 60% and 80%. Unit 101, a one-bedroom Unit Type, is designated as 60%. At the annual income recertification, the household income was determined to exceed 60% but was less than 80% AMI. The unit should be redesignated as 80% at the time the determination is made, and the next available one-bedroom Unit Type in the Development must be reserved for and occupied by an 60% household. At the time of determination that the unit should be 80%, with proper notification, the household rent may be increased to the new rent designation.

(B) Where the household's income exceeds the AMI as designated and the household is designated at the highest AMI in the Regulatory Agreement, the next available unit of comparable size in the Development is to be reserved for and occupied by a tenant that meets the AMI of the household that was determined to exceed the income limit. Example 1104(2): Development Regulatory Agreement includes units at 60% and 80%. Unit 201, a two-bedroom Unit Type is designated as 80%. At the annual income recertification, household

income was determined to exceed 80% AMI, the highest AMI in the Regulatory Agreement. The next two-bedroom Unit Type in the Development must be reserved for and occupied by an 80% household. Unit 201 retains the 80% status until such time that the Available Unit Rule, as described here, is complied with or violated.

(7) The Development must affirmatively market to households participating in the Housing Choice Voucher program and local housing authorities.

(8) The PFC's website must include information about the Development and its compliance with Section 303.0425, Texas Local Government Code, along with its policies on the acceptance of Housing Choice Voucher holders.

(d) [~~(c)~~] The Auditor will review the Development's form of tenant lease and leasing polices to ensure the Development meets the following requirements and will report any deficiencies found in the Audit Report:

(1) Public Facility User cannot refuse to rent to an individual or family solely because the individual or family participates in a Housing Choice Voucher program.

(2) Public Facility User cannot require a minimum income standard for families participating in a Housing Choice Voucher program that exceeds two hundred and fifty percent (250%) of the tenant portion of rent.

(3) Each residential lease agreement for a Restricted Unit must provide the following:

(A) The landlord may not retaliate against the tenant or the tenant's guests by taking action because the tenant established, attempted to establish, or participated in a tenant organization;

(B) The landlord may only choose to not renew the lease if the tenant is in material noncompliance with the lease, including nonpayment of rent; committed one or more substantial violations of the lease; failed to provide required information on the income, composition, or eligibility of the tenant's household; or committed repeated minor violations of the lease that: disrupt the livability of the Development, adversely affect the health and safety of any person or the right to quiet enjoyment of the leased premises and related Development facilities, interfere with the management of the Development, or have an adverse financial effect on the Development, including the failure of the tenant to pay rent in a timely manner.

(C) To non-renew a lease, the landlord must provide, at minimum, a thirty (30)-day written notice of non-renewal to the tenant.

(D) Tenants may not waive these protections in a lease or lease addendum.

(e) [~~(d)~~] For the Rent Reduction calculation for the second, third, and fourth years after the date of acquisition by the Public Facility Corporation, it is the sole responsibility of the PFC User to [~~For occupied Developments acquired by a Public Facility Corporation, the Audit Report must~~] calculate the annual savings to households living in Restricted Units (when compared to the annual rental income that would have been collected on those Restricted Units if they were charged market rate).

(1) Market rate will be determined as the highest rent charged for the same Unit Type at the Development. For [~~; for~~] Developments where all of the Units are Restricted Units, the PFC User must provide evidence of reasonable comparable maximum market rents, which may be based on market studies, leasing surveys, Fair Market Rent as published by HUD, or other methods acceptable to the Department. [~~that do not have market rate units the Auditor must submit a proposed reasonable methodology for determining market rent. The calculated savings is required for exemption eligibility after the first anniversary of the acquisition of the Development.~~]

(2) Total savings for rent-restricted households must be no less than sixty percent (60%) of the estimated amount of the annual ad-valorem taxes that would be imposed on the Development without an exemption.

(f) [~~(e)~~] The Auditor must maintain monitoring records and papers for each Audit Report for three years, and must provide the Department and/or the Chief Appraiser a copy of their monitoring records upon request.

§10.1105. Income and Rent Requirements.

(a) Annual Income for a household occupying a Restricted Unit shall be determined consistent with the Section 8 Program administered by the U.S. Department of Housing and Urban Development (HUD), using the definitions of annual income described in 24 CFR §5.609 as further described in the HUD Handbook 4350.3, as amended from time to time.

(b) For purposes of determining income under this subsection, payment under section 403 of title 37, United States Code, as basic pay allowance for housing shall be disregarded with respect to any qualified building.

(1) The term "qualified building" means any building located:

(A) in any county in which is located a qualified military installation to which the number of members of the Armed Forces of the United States assigned to units based out of such qualified military installation, as of June 1, 2008, has increased by not less than 20 percent, as compared to such number on December 31, 2005, or

(B) in any county adjacent to a county described in subparagraph (A) of this paragraph.

(2) The term "qualified military installation" means any military installation or facility the number of members of the Armed Forces of the United States assigned to which, as of June 1, 2008, is not less than 1,000.

(c) [~~(b)~~] Income and rent limits will be derived from data released by HUD.

(d) [~~(c)~~] The income and rent limits specified in the Regulatory Agreement will be used to determine if a household's income and rent is restricted.

(e) To document compliance, PFC User must maintain sufficient documentation to support income eligibility of households which includes an application that screens for all includable sources of income and assets, firsthand or third-party documentation of income and assets, and an Income Certification form signed by all adults in the household.

§10.1107. Options for Review.

(a) The Public Facility User must attempt to address any issues of noncompliance identified in the Audit Report with the Auditor, prior to submission of the Audit Report to the Department.

(b) During any applicable corrective action period, the [~~The~~] Public Facility User may appeal any noncompliance issued as provided for in §1.7 of this title (relating to Appeals). The filing of an appeal does not extend or suspend the 60-day corrective action period. [~~request to meet with a Compliance Director or Manager at the Department.~~] The Public Facility User and Auditor, as applicable, must provide all documentation requested by the Department within ten [~~three~~] calendar days prior to the meeting.

(c) A Public Facility User may request alternative dispute resolution in accordance with the Department's rules regarding such resolution set forth at §1.17 of this title (related to Alternative Dispute Resolution).

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 July 9, 2026.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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CHAPTER 20. SINGLE FAMILY PROGRAMS UMBRELLA RULE

10 TAC §20.3

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 20 Single Family Programs Umbrella Rule, §20.3, Definitions. The purpose of the proposed repeal is to eliminate the outdated rule and replace it with a more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The proposed repeal does not create or eliminate a government program but relates to the repeal, and simultaneous readoption of a section of Definitions that are now needed with the addition of an energy efficiency subsection for single family construction activities taking place under a separate action.

2. The proposed repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce workload to a degree that eliminates any existing employee positions.

3. The proposed repeal does not require additional future legislative appropriations.

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

5. The proposed repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The proposed repeal will repeal an existing regulation, however that regulation is being simultaneously proposed under another action.

7. The proposed repeal will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the proposed repeal would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the proposed repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026 to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Chad Landry at chad.landry@tdhca.texas.gov ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§20.3. Definitions.

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

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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10 TAC §20.3, §20.16

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 20 Single Family Programs Umbrella Rule, §20.3, Definitions and §20.16, Minimum Energy Efficiency Standards. The purpose of the new §20.3, Definitions is to update defined terms; the purpose of new §20.16, Minimum Energy Efficiency Standards is to add a subsection that incorporates baseline energy efficiency standards for single family construction activities outlined that are currently being repealed from another chapter under separate action.

Tex. Gov't Code §2001.0045(b) does not apply to the proposed rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The proposed new rules does not create or eliminate a government program but relates to the repeal, and simultaneous readoption of the rule to now include an energy efficiency section and updated definitions for single family construction activities.

2. The proposed new rules do not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The proposed new rules do not require additional future legislative appropriations.

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

5. The proposed new rules are not creating a new regulation, except that they are replacing two sections being repealed simultaneously under other action to provide for revisions.

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

7. The proposed new rules will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the proposed new rules are in effect, the public benefit anticipated as a result of the new rules would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the new sections.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the proposed new rules are in effect, enforcing or administering the sections does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed new rules and also requests information related to the cost, benefit, or effect of the proposed new rules, including any applicable data, research, or analysis from any person required to comply with the new rules or any other interested person. The public comment period will be held July 24, 2026 to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Chad Landry at chad.landry@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

STATUTORY AUTHORITY. The new sections are proposed pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new sections affect no other code, article, or statute.

§20.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context indicates otherwise. Any capitalized terms not specifically defined in this section or any section referenced in this chapter shall have the meaning as defined in Chapter 2306 of the Tex. Gov't Code, the Program Rules, the Texas Administrative Code (TAC), or applicable federal regulations.

(1) Activity--The assistance provided to a specific Household or Administrator by which funds are used for acquisition, new construction, reconstruction, rehabilitation, refinance of an existing Mortgage, tenant-based rental assistance, or other Department approved Expenditure under a single family housing Program.

(2) Administrator--A unit of local government, Nonprofit Organization or other entity acting as a subrecipient, Developer, or similar organization that has an executed written Agreement with the Department.

(3) Affiliate--If, directly or indirectly, either one Controls or has the power to Control the other or a third person Controls or has the power to Control both. The Department may determine Control to include, but not be limited to:

(A) Interlocking management or ownership;

(B) Identity of interests among family members;

(C) Shared facilities and equipment;

(D) Common use of employees; or

(E) A business entity which has been organized following the exclusion of a person which has the same or similar management, ownership, or principal employees as the excluded person.

(4) Affiliated Party--A person or entity with a contractual relationship with the Administrator as it relates to a Program, the form of assistance under a Program, or an Activity.

(5) Affirmative Marketing Plan--HUD Form 935.2B or equivalent plan created in accordance with HUD requirements to direct specific marketing and outreach to potential tenants and homebuyers who are considered "least likely" to know about or apply for housing based on an evaluation of market area data. May be referred to as "Affirmative Fair Housing Marketing Plan" (AFHMP).

(6) Agreement--Same as "Contract." May be referred to as a "Reservation System Agreement" or "Reservation Agreement" when providing access to the Department's Reservation System as defined in this chapter.

(7) Amy Young Barrier Removal Program--A program designed to remove barriers and address immediate health and safety issues for Persons with Disabilities as outlined in the Program Rule.

(8) Annual Income--The definition of Annual Income and the methods utilized to establish eligibility for housing or other types of assistance as defined under the Program Rule.

(9) Applicant--An individual, unit of local government, nonprofit corporation or other entity, as applicable, who has submitted to the Department or to an Administrator an Application for Department funds or other assistance.

(10) Application--A request for a Contract award or a request to participate in a Reservation System submitted by an Applicant to the Department in a form prescribed by the Department, including any exhibits or other supporting material.

(11) Area Median Family Income (AMFI)--The income limits published annually by the U.S. Department of Housing and Urban Development (HUD) for the Housing Choice Voucher Program that is used by the Department to determine the income eligibility of Households to participate in Single Family Programs.

(12) Borrower--A household that is borrowing funds from or through the Department for the acquisition, new construction and/or rehabilitation of the Household's Principal Residence.

(13) Certificate of Occupancy--Document issued by a local authority to the owner of premises attesting that the structure has been built in accordance with building ordinances.

(14) CFR--Code of Federal Regulations.

(15) Combined Loan to Value (CLTV)--The aggregate principal balance of all the Mortgage Loans, including Forgivable Loans, divided by the appraised value.

(16) Competitive Application Cycle--A defined period of time that Applications may be submitted according to a published Notice of Funding Availability (NOFA) that will include a submission deadline and selection or scoring criteria.

(17) Concern--A policy, practice or procedure that has not yet resulted in a Finding, but if not changed will or may result in a Finding, or disallowed costs.

(18) Contract--The executed written agreement between the Department and an Administrator performing an Activity related to a single family Program that describes performance requirements and responsibilities. May also be referred to as "Agreement."

(19) Contract Term--The timeframe in which funds may be expended under the Contract or Agreement for certain administrative costs and for all the hard and soft costs of Activities, as further described in the Contract or Agreement.

(20) Control--The possession, directly or indirectly, of the power to direct or cause the direction of the management, operations or policies of any person or entity, whether through the ownership of voting securities, ownership interests, or by contract or otherwise.

(21) Debt--A duty or obligation to pay money to a creditor, lender, or person which can include car payments, credit card bills, loans, child support payments, and student loans.

(22) Debt-to-Income Ratio--The percentage of gross monthly income from Qualifying Income that goes towards paying off Debts and is calculated by dividing total recurring monthly Debt by gross monthly income expressed as a percentage.

(23) Deobligate--The cancellation of or release of funds under a Contract or Agreement as a result of expiration of, termination of, or reduction of funds under a Contract or Agreement.

(24) Developer--Any person, general partner, Affiliate, or Affiliated Party or affiliate of a person who owns or proposes a Development or expects to acquire control of a Development and is the person responsible for performing under the Contract with the Department.

(25) Development--A residential housing project for homeownership that consists of one or more units owned by the Developer during the development period and financed under a common plan which has applied for Department funds. This includes a project consisting of multiple units of housing that are located on scattered sites.

(26) Domestic Farm Laborer--Individuals (and the Household) who receive a substantial portion of their income from the production or handling of agricultural or aquacultural products.

(27) Draw Request--A request submitted to the Department, by an Administrator, seeking reimbursement of Program funds for completing an expenditure relating to the Program.

(28) ENERGY STAR Certified Appliances, Equipment, and Products--Labeled appliances, equipment, and products that are independently certified to save energy without sacrificing features or functionality, meeting the U.S. EPA's specifications for energy efficiency and performance.

(29) ENERGY STAR Certified Home--A new construction home that has earned the ENERGY STAR label and has undergone a

process of inspections, testing, and verification to meet requirements set forth by the U.S. EPA.

(30) ENERGY STAR Certified Manufactured Housing Unit--A manufactured home that has been designed, produced, and installed by the home manufacturer to meet ENERGY STAR requirements for energy efficiency.

(31) Enforcement Committee--The Committee as defined in Chapter 2 of this title (relating to Enforcement).

(32) Finding--An Administrator's material failure to comply with rules, regulations, the terms of the Contract, or to provide services under a Program to meet appropriate standards, goals, and other requirements established by the Department or funding source (including performance objectives). A Finding impacts the organization's ability to achieve the goals of the program and may jeopardize continued operations of the Administrator. A Finding includes the identification of an action or failure to act that results or may result in disallowed costs.

(33) Forgivable Loan--Financial assistance in the form of a Mortgage Loan that is not required to be repaid if the terms of the Mortgage Loan are met.

(34) HOME Program--A HUD funded Program authorized under the HOME Investment Partnerships Program at 42 U.S.C. §§12701 - 12839.

(35) Household--One or more persons occupying a rental unit or owner-occupied Single Family Housing Unit as their primary residence. May also be referred to as a "family" or "beneficiary."

(36) Housing Contract System (HCS)--The electronic information system or systems that are part of the "central database" established by the Department to be used for tracking, funding, and reporting single family Contracts and Activities. May also be known as Contract System.

(37) HUD--The United States Department of Housing and Urban Development or its successor.

(38) Improvement Survey--A boundary survey plus land improvements by a Texas surveyor with a surveyor's seal, license number, and signature, meeting the requirements of the Texas Board of Professional Land Surveying under Chapter 663, Part 29, Title 2 of the TAC, showing (at a minimum) the accompanying legal description; all boundaries clearly labeled with calls and distance found on the ground and per the legal description; the location of all improvements, structures, visible utilities, fences, or walls; any boundary or visible encroachments; all adjoinders and recording information; location of all easements, setback lines, and utilities; or other recorded matters affecting the use of the property.

(39) Life-of-Loan Flood Certification--Tracks the flood zone of the Single Family Housing Unit for the life of the Mortgage Loan.

(40) Limited English Proficiency (LEP)--Refers to persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

(41) Loan Assumption--An agreement between the buyer and seller of Single Family Housing Unit that the buyer will make remaining payments and adhere to terms and conditions of an existing Mortgage Loan on the Single Family Housing Unit and Program requirements. A Mortgage Loan assumption requires written Department approval.

(42) Manufactured Housing Unit (MHU)--A structure that meets the requirements of Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code or Federal Housing Administration (FHA) guidelines as required by the Department.

(43) Mortgage--Has the same meaning as defined in §2306.004 of the Tex. Gov't Code.

(44) Mortgage Loan--Has the same meaning as defined in §2306.004 of the Tex. Gov't Code.

(45) Neighborhood Stabilization Program (NSP)--A HUD-funded program authorized by HR3221, the "Housing and Economic Recovery Act of 2008" (HERA) and Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010, as a supplemental allocation to the CDBG Program.

(46) NOFA--Notice of Funding Availability or announcement of funding published by the Department notifying the public of available funds for a particular Program with certain requirements.

(47) Nonprofit Organization--An organization in which no part of its income is distributable to its members, directors or officers of the organization and has a current tax exemption classification status from the Internal Revenue Service in accordance with the Internal Revenue Code.

(48) Office of Colonia Initiatives--A division of the Department authorized under Chapter 2306 of Tex. Gov't Code, which acts as a liaison to the colonias and manages some Programs in the colonias.

(49) Parity Lien--A lien position whereby two or more lenders share a security interest of equal priority in the collateral.

(50) Persons with Disabilities--Any person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such an impairment; or is being regarded as having such impairment. Included in this meaning is the term handicap as defined in the Fair Housing Act, and disability as defined by other applicable federal or state law.

(51) Principal Residence--The primary Single Family Housing Unit that a Household inhabits. May also be referred to as "primary residence."

(52) Program--The specific fund source from which single family funds are applied for and used.

(53) Program Income--Gross income received by the Administrator or Affiliate directly generated from the use of single family funds, including, but not limited to gross income received from matching contributions under the HOME Program.

(54) Program Manual--A set of guidelines designed to be an implementation tool for a single family Program. A Program Manual is developed by the Department and amended or supplemented from time to time.

(55) Program Rule--Chapters of Part 1 of this title which pertain to specific single family Program requirements.

(56) Qualifying Income--The income used to calculate the Borrower's debt-to-income ratio and excludes the total of any income not received consistently for the past 12 months from the date of Application including, but not limited to, income from a full or part time job that lacks a stable job history, potential bonuses, commissions, and child support. Income received for less than 12 months such as retirement annuity or court ordered payments will be considered only if it is expected to continue at least 24 months in the foreseeable future.

(57) Reservation--Funds set-aside for a Household submitted through the Department's Reservation System.

(58) Reservation System--The Department's online tracking system that allows Administrators to reserve funds for a specific Household.

(59) Resolution--Formal action by a corporate board of directors or other corporate body authorizing a particular act, transaction, or appointment. Resolutions must be in writing and state the specific action that was approved and adopted, the date the action was approved and adopted, and the signature of person or persons authorized to sign resolutions. Resolutions must be approved and adopted in accordance with the corporate bylaws of the issuing organization.

(60) Reverse Mortgage--A Home Equity Conversion Mortgage insured by the FHA.

(61) Self-Help--Housing Programs that allow low-income families to build or rehabilitate their Single Family Housing Units through their own labor or volunteers.

(62) Service-Area--The geographical area where an Administrator conducts Activities under a Contract.

(63) Single Family Housing Unit--A residential dwelling designed and built for a Household to occupy as its primary residence where single family Program funds are used for rental, acquisition, construction, reconstruction or rehabilitation Activities of an attached or detached housing unit, including Manufactured Housing Units after installation. May be referred to as a single family "home," "housing," "property," "structure," or "unit."

(64) State Median Family Income (SMI)--The median income for the state adjusted for household size and published annually by the U.S. Department of Housing and Urban Development (HUD).

(65) TAC--Texas Administrative Code.

(66) Texas Housing Trust Fund (Texas HTF)--Funding source for state-funded Programs authorized under Chapter 2306 of Tex. Gov't Code.

(67) TMCS--Texas Minimum Construction Standards.

(68) U.S. EPA--United States Environmental Protection Agency.

(69) WaterSense Labeled Fixtures--Labeled products that are backed by independent, third-party testing and certification, meeting the U.S. EPA's specifications for water efficiency and performance.

§20.16. Minimum Energy Efficiency Standards.

(a) All applicable construction activities shall comply with:

(1) the energy conservation requirements adopted by the State of Texas;

(2) applicable provisions of the International Energy Conservation Code (IECC), as adopted or amended by the State of Texas or local jurisdiction;

(3) applicable federal energy-efficiency requirements; and

(4) any additional standards established by the Department through program guidance, underwriting requirements, construction manuals, or administrative directives.

(b) Where multiple standards apply, the more restrictive requirement shall govern unless otherwise prohibited by law.

(c) The Department may adopt updated editions of energy-efficiency standards or technical requirements through administrative guidance, provided such standards are consistent with applicable law and funding requirements.

(d) New Construction and Reconstruction Activities. Single family residential dwellings, as defined in Chapter 388.002 of the Texas Health and Safety Code, that are newly constructed or reconstructed shall comply with the more stringent of §388 of the Health and Safety Code (Texas Building Energy Performance Standards), or the standards adopted by the local jurisdiction.

(1) Effective September 1, 2016, the Texas State Energy Conservation Office adopted the 2015 International Residential Code (Chapter 11) as the state-mandated energy code for all residential construction, which includes one- and two-family residences of three stories or less above grade.

(2) Federally-funded single family residential dwellings for which funds are committed on or after October 1, 2025 (excluding CDBG), must comply with the 2021 International Energy Conservation Code (IECC); or must comply with a federally approved alternative compliance pathway.

(e) Manufactured Housing Unit Activities

(1) All Manufactured Housing Units installed as replacement for sub-standard housing shall be ENERGY STAR certified; or

(2) In cases where the type of product is not ENERGY STAR, or if ENERGY STAR products are not reasonably available due to supply shortages or cost limitations, Administrators may select the highest rated product available, so long as the product delivers at least 10% energy savings in comparison to products meeting the minimum code.

(f) Rehabilitation Activities. All Rehabilitation activities shall comply with this chapter.

(1) Certifications of compliance with this chapter shall be conducted by the Administrator or a code or other qualified inspector for release of final payment from the Department as outlined in the Program Rule. Inspectors selected by the Administrator to verify compliance with this chapter must be certified by the Administrator to have sufficient professional certifications, relevant education, or experience in a field directly related to home inspection, which may include, but is not limited to, installing, servicing, repairing or maintaining the structural, mechanical, plumbing, and electrical systems found in Single Family Housing Units.

(2) If the proposed scope of work or the awarded construction contract for the Rehabilitation of an existing single family residential unit includes an item described in subparagraphs (A) - (J) of this paragraph, the specific requirement so noted in subparagraphs (A) - (J) of this paragraph shall apply:

(A) Replacement or installation of central heating and cooling equipment and appliances shall be installed in accordance with the manufacturer's instructions and the requirements of Chapter 14 of the 2015 International Residential Code;

(B) Replacement or installation of duct systems serving heating, cooling, and ventilation equipment shall be installed in accordance with the provisions of Chapter 16 of the 2015 International Residential Code;

(C) If central heating and cooling equipment is replaced or installed, attic insulation shall be installed or increased according to Chapter 11, Figure N1102.1.2 of the 2015 International Residential Code, including insulation covering the top plates of exterior walls. Eave baffles and access hatches shall be installed as specified in Chapter 11, Sections N1102.2.3- N1102.2.4 of the 2015 International Residential Code;

(D) If ductless heating and cooling systems (also known as mini-split, multi-split, or variable refrigerant flow (VRF) heat pump systems) are replaced or installed, they shall be ENERGY STAR certified;

(E) If exhaust fans are replaced or installed in bathrooms or kitchens, they shall be ENERGY STAR certified and installed in accordance with Chapter 15 of the 2015 International Residential Code;

(F) If windows are installed, they shall be ENERGY STAR certified windows, meeting the U-factor and Solar Heat Gain Coefficient for the climate zone of the dwelling as identified in Chapter 11, Table N1102.1.2 of the 2015 International Residential Code;

(G) If doors are installed, they shall be ENERGY STAR certified doors;

(H) Electrical fixtures, equipment, and appliances that are replaced or installed, where applicable, shall be ENERGY STAR certified products;

(I) Plumbing fixtures that are replaced or installed, where applicable, shall be WaterSense labeled products; and

(J) Domestic water heaters, storage and tankless, when replaced or installed, shall meet the Federal Energy Conservation Standards required by 10 CFR §430.32, as they may be revised from time to time.

(g) Verification of Compliance. The Department may require documentation demonstrating compliance with applicable energy-efficiency requirements.

(1) Acceptable forms of documentation may include:

(A) inspection reports;

(B) builder certifications;

(C) third-party verification reports;

(D) Home Energy Rating System (HERS) ratings;

(E) REScheck documentation;

(F) local code compliance certifications; or

(G) other documentation acceptable to the Department.

(2) Documentation required under this section shall be maintained in the project file in accordance with applicable record retention requirements established by state or federal law and Department program requirements.

(3) The Department may conduct reviews, inspections, audits, or monitoring activities to verify compliance with this subchapter.

(4) Compliance with this minimum energy efficiency standards does not relieve any person or entity from compliance with applicable building codes, local ordinances, accessibility requirements, environmental requirements, or other applicable state or federal laws and regulations.

(5) Nothing in this subchapter limits the authority of the Department to impose additional construction or underwriting requirements through program rules, notices of funding availability, contracts, or other binding program documents.

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 July 9, 2026.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-3959

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CHAPTER 21. MINIMUM ENERGY EFFICIENCY REQUIREMENTS FOR SINGLE FAMILY CONSTRUCTION ACTIVITIES

10 TAC §§21.1 - 21.6

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, §§21.1 - 21.6. The purpose of the proposed repeal is to eliminate the rule and consolidate the Energy Efficiency Requirements into another rule that is more germane to the topic through a separate rule action.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The proposed repeal does not create or eliminate a government program but relates to updates to improve the Department's regulatory efficiency.

2. The proposed repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce workload to a degree that eliminates any existing employee positions.

3. The proposed repeal does not require additional future legislative appropriations.

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

5. The proposed repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The proposed repeal will repeal an existing regulation in an effort to improve the efficiency of the Department's rules.

7. The proposed repeal will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the changed sections would be a clearer rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026 to August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Chad Landry at chad.landry@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

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

§21.1. Purpose.

§21.2. General Requirements.

§21.3. Definitions.

§21.4. New Construction and Reconstruction Activities.

§21.5. Manufactured Housing Unit Activities.

§21.6. Rehabilitation Activities.

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

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Texas Department of Housing and Community Affairs
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TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

The Public Utility Commission of Texas (commission) proposes amendments to §25.192 relating to Transmission Rates for Export from ERCOT and §25.193 relating to Distribution Service Provider Transmission Cost Recovery Factors (TCRF) and new §25.252 relating to Large Load Customer Tariffs. This proposal will implement Section 6 of Senate Bill 6, as enacted during the Texas 89th Regular Legislative Session. The proposal will restyle amended §25.192 to Transmission Service Rates, replace the four coincident peak (4CP) methodology with a 12 coincident peak (12CP) methodology for assigning transmission costs, codify using a 30-minute interval to measure 12CP, require non-opt-in-entity distribution service providers (DSPs) to provide ERCOT access to settlement-quality meter data for each large load customer in its service territory, require block load transfers to pay transmission costs, require interconnection fees paid under §25.194 relating to Large Load Interconnection Standards and financial security forfeited under §25.194 to be used to offset the TSP's revenue requirement, and require adjustments to the calculation of DSP-level billing determinants that maintain alignment between wholesale transmission cost recovery and retail transmission cost recovery. The proposal will also restyle amended §25.193 to Distribution Service Provider Transmission Cost Recovery Factor (TCRF), require the use of a minimum billing demand for large load customers, require a large load customer's billing to commence at the level of available service at the time it is available, irrespective of whether the large load customer has energized or is fully using available capacity, authorize an investor-owned utility (IOU) DSP to make limited adjustments to its transmission cost recovery from end-use customers to account for delayed cost recovery of billing information related to large load customers, require each IOU DSP to file an annual report detailing the amount of revenues collected from each customer class, and require DSPs to update class allocation factor values annually. New §25.252 relating to Large Load Customer Tariffs sets forth specific terms for inclusion in TSP and IOU-DSP tariffs that govern service to large load customers. The proposed rules also include other minor changes to improve clarity and align with current practices.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for

each year of the first five years that the proposed rule is in effect, the following statements will apply:

(1) the proposed rule will not create a government program and will not eliminate a government program;

(2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;

(3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;

(4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal an existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule's applicability; and

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

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Jessie Horn, Senior Counsel, Rules and Projects Division, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. Horn has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be appropriately assigning costs for transmission investment; ensuring that all loads appropriately contribute to the recovery of an electric cooperative, electric utility, or municipally owned utility's costs to provide access to the transmission system; and ensuring that transmission cost recovery appropriately charges the system costs that are caused by each customer class. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by August 11, 2026. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Interested persons may file comments electronically through the interchange on the commission's website or by submitting a paper copy to Central Records, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Comments must be filed by August 11, 2026. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, and analysis. The commission will consider the costs and benefits in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 58000.

In addition to general comments on the text of the proposed rule, the commission invites interested persons to address the following specific questions:

Should the values associated with the large load minimum billing demand provisions be different for large load customers with different contracted peak demands or different non-coincident (NCP) demands?

Should the large load minimum billing demand be:

fixed for 20 years as proposed;

reduced in phases over a period of 20 years; or

extended to a longer time period?

Should the large load minimum billing demand be based on some measure of demand lower than contracted peak demand and NCP demand? For example, should the large load minimum billing demand:

reflect a "ratcheted" demand, wherein the large load minimum billing demand is some percentage of the customer's contracted peak demand or maximum NCP demand in the previous year? If so, should the ratchet percentage decline in phases over the years, and how?

be based on a "weighted average" minimum billing demand, wherein the large load minimum billing demand is some weighted average of the large load customer's contracted peak demand or highest NCP demand over the previous year and the large load customer's 12CP demand? If so, should the percentage weighting towards contracted peak demand or NCP demand decline in phases over the years, and how?

Should separate rate treatment be applied to a large computational load, defined as an entity that is subject to §25.194 of this title (relating to Large Load Interconnection Standards) and in which 50% or greater of the demand at the site consists of power

electronic based load, specifically computational load, such as data centers and cryptocurrency mining facilities? Responses to this question should include applicable legal support or limitations regarding separate rate treatment for large computational loads.

Should the definition for transmission interconnection costs be broadened to include transmission projects that are recommended at the conclusion of a batch study to serve the transmission capacity needs of a particular load?

If a large load customer is able to reserve transmission capacity irrespective of whether the large load customer has energized or is fully using available capacity, how should these loads be reflected in the resource adequacy reports and assessments and transmission planning studies?

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

SUBCHAPTER I. TRANSMISSION AND DISTRIBUTION

DIVISION 1. OPEN-ACCESS COMPARABLE TRANSMISSION SERVICE FOR ELECTRIC UTILITIES IN THE ELECTRIC RELIABILITY COUNCIL OF TEXAS

16 TAC §25.192, §25.193

Statutory Authority

The amendment is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.003, which authorizes the commission to require a public utility to report to the commission information relating to the utility; §32.001, which grants the commission exclusive original jurisdiction over the rates, operations, and services of an electric utility in areas outside a municipality and areas inside a municipality that surrenders its jurisdiction to the commission under Section 33.002; §32.101(a), requiring an electric utility to file a tariff showing each rate that is subject to the commission's jurisdiction and in effect for a utility service, product, or commodity offered by the utility; §35.004(a)-(c-1), which sets forth the requirements for transmission service, requires nondiscriminatory access to wholesale transmission service for specified entities, and requires the commission to ensure that a utility recovers its reasonable costs in providing wholesale transmission services and interconnecting a large load to the utility's system; §35.006, which requires the commission to adopt rules relating to wholesale transmission service, rates, and access; §35.007, which requires an electric utility that owns or operates a transmission facility to file a tariff in compliance with commission rules adopted under PURA §35.006; §36.001, which grants the commission the authority to establish and regulate rates of an electric utility and to adopt rules for determining the classification of customers and services and the applicability of rates; §36.003, which requires rates to be just and reasonable, and not unreasonably preferential, prejudicial, or discriminatory but sufficient, equitable, and consistent in application to each class of consumer; §36.055, which requires costs of facilities, revenues, expenses, taxes, and reserves to be separated or allocated as prescribed by the commission; §36.059, which sets forth the requirements for the commission to determine the allocation of tax savings derived from liberalized depreciation and amortization, the investment tax credit, and the application of similar methods, and requires specific treatment if an electric utility or municipally owned utility retains a portion of the investment tax credit; §37.0561, which defines a large load customer, requires the commission to establish standards for uniform financial commitments, and requires the commission to establish uniform requirements for determining when capacity that is subject to an outstanding financial commitment may be reallocated; §39.151, which grants the commission complete oversight of ERCOT; and §39.203(a)-(b), which sets forth requirements to provide transmission service.

Cross Reference to Statute: Public Utility Regulatory Act §14.001; 14.002; 14.003; §32.001; 32.101(a); 35.004(a)-(c-1); 35.006-35.007; 36.001; 36.003; 36.055; 36.059; 37.0561; 39.151; and 39.203(a)-(b).

§25.192. Transmission Service Rates [for ~~Export from ERCOT~~].

(a) Applicability. This section applies to all transmission service providers (TSPs) providing transmission service within the Electric Reliability Council of Texas (ERCOT) region, to all distribution service providers (DSPs) serving load within the ERCOT region, to all entities scheduling the export of power out of the ERCOT region, and to other transmission customers of the ERCOT transmission system.

(b) Definitions. The following terms, when used in this section, have the following meanings, unless context indicates otherwise.

(1) Baseline values--Values that reflect the costs or other information used to establish rates in a rate proceeding.

(2) DSP 12 coincident peak (12CP) load--The average of the 12 demand values of a DSP that are coincident with the ERCOT 12CP intervals determined from the total demand of all customers within the ERCOT region connected to a DSP, including load served at transmission voltage, and block load transfers, but excluding export flows and wholesale storage load.

(3) ERCOT 12CP load--The sum of the DSP 12CP load for all the DSPs serving load in the ERCOT region, including block load transfers, but excluding the portion of demand attributable to export flows and wholesale storage load.

(4) ERCOT 12CP intervals--The set of 12 30-minute intervals composed of the ERCOT system monthly peak demand interval for each of the 12 calendar months from October 1 of one year through September 30 of the subsequent year, inclusive.

(5) Export entity--An ERCOT-registered entity scheduling the export of power from the ERCOT region, including a qualified scheduling entity.

(6) Large load customer--An entity that is subject to §25.194 of this title (relating to Large Load Interconnection Standards).

(7) Large load minimum billing demand--The minimum transmission billing demand associated with large load customers, as described by §25.193 of this title (relating to Distribution Service Provider Transmission Cost Recovery Factor (TCRF)).

(8) Network export rate--The transmission rate established by the commission for a TSP to recover the costs associated with the use of that TSP's transmission facilities to provide wholesale transmission service at transmission voltage for the delivery of power to be exported from the ERCOT region.

(9) Network transmission service rate--The transmission rate established by the commission for a TSP to recover costs associated with the use of that TSP's transmission facilities to provide wholesale transmission service at transmission voltage within the ERCOT region.

(10) Non-investor-owned utility distribution service provider (non-IOU DSP)--A DSP that is a municipally owned utility, river authority, or electric cooperative.

(11) Non-investor-owned utility transmission service provider (non-IOU TSP)--A TSP that is a municipally owned utility, river authority, or electric cooperative.

(12) Tie line--A facility connected to the ERCOT transmission grid that enables power to be imported into or exported out of the ERCOT power grid, including high voltage direct current converter stations and variable frequency transformers.

(13) Transmission interconnection costs--All costs associated with the facilities required to physically interconnect or upgrade the interconnection of a transmission-level customer, or a distinct set of transmission-level customers, to the existing transmission network, including interconnection lines, substation additions or modifications, and associated equipment necessary to establish or modify service.

(14) Wholesale storage load--Load associated solely and entirely with wholesale storage, as described by §25.501(m)(2) of this title (relating to Wholesale Market Design for the Electric Reliability Council of Texas).

(15) Wholesale transmission service at distribution voltage--Wholesale transmission service provided using facilities that are rated at less than 60 kilovolts and that are not transmission facilities as described in subsection (e) of this section, as required by §25.191(d)(2) of this title (relating to Transmission Service Requirements).

(16) Wholesale transmission service at distribution voltage rate--The transmission rate established by the commission for a TSP or DSP to recover costs associated with the use of that utility's distribution facilities to provide wholesale transmission service at distribution voltage.

(c) [~~(a)~~] Tariffs.

(1) Each TSP must [~~transmission service provider (TSP) shall~~] file a tariff for transmission service to reflect the [~~establish its~~] rates, [~~and other~~] terms, and conditions set by the commission and must [~~shall~~] apply its tariff [~~tariffs and rates~~] on a non-discriminatory basis. [~~The tariff shall apply to all distribution service providers (DSPs) and any entity scheduling the export of power from the Electric Reliability Council of Texas (ERCOT) region.~~] The tariff shall not apply to any entity engaging in wholesale storage as described by §25.501(m) of this title (relating to Wholesale Market Design for the Electric Reliability Council of Texas) (storage entity).

(2) If the TSP provides wholesale transmission service at distribution voltage, the tariff required by this section must include a separate section to reflect wholesale transmission service at distribution voltage rates, terms, and conditions set by the commission. A TSP must file an application to establish such tariff within 30 days of receiving a request for such service.

(d) [~~(b)~~] Charges for network transmission service delivered within the ERCOT region. DSPs must [~~, excluding storage entities, shall~~] incur transmission service charges as provided by [~~pursuant to~~] the tariffs of a [~~the~~] TSP.

(1) A TSP's network transmission service rate must [~~shall~~] be calculated as its commission-approved transmission cost of service divided by the ERCOT 12CP load. In a proceeding to establish network transmission service rates under this section, the ERCOT 12CP load value to be used in calculating a TSP's rate must be the most recently approved ERCOT 12CP load in effect prior to the date of approval of the TSP's new network transmission service rate in the proceeding. The rate approved may not exceed the noticed rate under any circumstance. [~~average of ERCOT coincident peak demand for the months of June, July, August and September (4CP), excluding the portion of coincident peak demand attributable to wholesale storage load.~~]

(2) A TSP's network transmission service rate must [~~shall~~] remain in effect until the commission approves a new rate and that new rate takes effect. The TSP's annual rate must [~~shall~~] be converted to a monthly rate. The monthly network transmission service charge to be paid by each DSP is the product of each TSP's monthly rate as specified in its tariff and the DSP's previous year's DSP 12CP load. [~~average of the 4CP demand that is coincident with the ERCOT 4CP.~~]

(3) [~~(2)~~] Payments for transmission services must [~~shall~~] be consistent with commission orders, approved tariffs, and §25.202 of this title (relating to Commercial Terms for Transmission Service).

(e) [~~(c)~~] Transmission cost of service. A TSP's transmission cost of service must be calculated in accordance with this subsection and the amount approved by the commission will be based on a complete review of all aspects of a TSP's transmission cost of service.

(1) The transmission cost of service for each TSP must [~~shall~~] be based on:

(A) the expenses in Federal Energy Regulatory Commission (FERC) expense accounts 560-573 (or accounts with similar contents or amounts properly functionalized to the transmission function); [~~plus~~]

(B) the depreciation, federal income tax, [~~and~~] other associated taxes, and the commission-allowed rate of return associated with [~~based on~~] FERC plant accounts 350-359 (or accounts with similar contents or amounts properly functionalized to the transmission function), less accumulated depreciation and accumulated deferred federal income taxes; and [~~, as applicable.~~]

(C) the offsetting reduction to transmission cost of service for any network export rate revenues as described in subsection (g)(2) of this section.

(2) [~~(1)~~] Transmission facilities.

(A) Transmission [~~The following~~] facilities include the following: [~~are deemed to be transmission facilities:~~]

(i) [~~(A)~~] power lines, substations, reactive devices, and associated facilities, operated at 60 kilovolts or above, including radial lines operated at or above 60 kilovolts, except the step-up transformers and a protective device associated with the interconnection from a generating station or a storage facility to the transmission network;

(ii) [~~(B)~~] substation facilities on the high side of the transformer, in a substation where power is transformed from a voltage higher than 60 kilovolts to a voltage lower than 60 kilovolts;

(iii) [~~(C)~~] the portion of tie-line [~~the direct-current~~] interconnections with areas outside of the ERCOT region [~~(DC ties)~~]

that are owned by a TSP in the ERCOT region, including those portions of the [~~DC~~] tie line that operate at a voltage lower than 60 kilovolts; and

(iv) [~~(D)~~] capacitors and other reactive devices that are operated at a voltage below 60 kilovolts, if they are located in a distribution substation, the load at the substation has a power factor in excess of 0.95 as measured or calculated at the distribution voltage level without the reactive devices, and the reactive devices are controlled by an operator or automatically switched in response to transmission voltage.

(B) [~~(E)~~] As used in subparagraph [~~subparagraphs~~] (A) [~~-(D)~~] of this paragraph, reactive devices do not include generating facilities or energy storage facilities.

(3) [~~(2)~~] For a non-IOU TSP [~~municipally owned utilities, river authorities, and electric cooperatives,~~] the commission may permit the use of the cash flow method or other reasonable alternative methods of determining the annual transmission revenue requirement, including the return element of the revenue requirement, consistent with the rate actions of the rate-setting authority for a municipally owned utility.

(4) [~~(3)~~] For a non-IOU TSP, [~~municipally owned utilities, river authorities, and electric cooperatives,~~] the return may be determined based on the non-IOU TSP's actual debt service and a reasonable debt service coverage ratio or interest coverage ratio. In determining a reasonable coverage ratio, the commission will consider the coverage ratios required in the non-IOU TSP's bond indentures or ordinances and the most recent rate action of the retail rate-setting authority for the non-IOU TSP, if any.

(5) [~~(4)~~] A municipally owned utility that is required to apply for a certificate of public convenience and necessity to construct, install, or extend a transmission facility within ERCOT under [~~pursuant to~~] §25.101 of this title (relating to Certification Criteria) is entitled to recover, through its [~~the utility's wholesale~~] transmission rates under this section [~~rate~~], reasonable payments made to a taxing entity in lieu of ad valorem taxes on that transmission facility, provided that:

(A) The municipally owned utility enters into a written agreement with the governing body of the taxing entity related to the payments;

(B) The amount paid is the same as the amount the municipally owned utility would have to pay to the taxing entity on that transmission facility if the facility were subject to ad valorem taxation;

(C) The governing body of the taxing entity is not the governing body of the municipally owned utility; and

(D) The municipally owned utility provides the commission with a copy of the written agreement and any other information that the commission considers necessary in relation to the agreement.

(6) Notwithstanding any other provision of this section, transmission interconnection costs associated with interconnection agreements signed after the effective date of this section must not be included in a TSP's transmission cost of service or transmission service rates.

(7) With regard to investments for which the commission has approved a certificate of convenience and necessity but which have not been authorized by the commission as used and useful in providing service to the public, and for which investments the associated costs have not yet been approved by the commission as prudently incurred, an application under subsection (d)(1) of this section must include a comparison of the cost estimates provided in any certificate of convenience and necessity proceedings with the actual costs incurred for those investments.

(8) Baseline values. Any network transmission service rate and associated transmission cost of service approved by the commission under this section must establish baseline values that reflect the costs used to establish the transmission rates. At a minimum, reasonable and accurate baseline values for invested capital, rate base, return on rate base, capital structure, cost of debt, operations and maintenance expense, depreciation expense, federal income tax expense, other taxes expense, depreciation rates, network export-rate revenues, and other revenues must be established.

(9) [~~(5)~~] The commission may adopt rate-filing requirements that provide additional details concerning the costs that may be included in [~~the~~] transmission rates [~~costs~~] and how such costs should be reported in a proceeding to establish or amend transmission rates.

(f) [~~(d)~~] Billing units. The billing units determined under this subsection must be used to determine a TSP's rates established under this section.

(1) 12CP. No later than December 1 of each year, ERCOT must [~~shall~~] determine and file with the commission the current year's DSP 12CP load [~~average 4CP demand~~] for each DSP, based on the ERCOT 12CP intervals ending the immediately preceding September. ERCOT must also include in this filing the ERCOT 12CP load for the current year. The measurement of the ERCOT system monthly peak demand for purposes of determining the ERCOT 12CP intervals and the determination of the DSP demand values that coincide with the ERCOT 12CP intervals must be in accordance with ERCOT protocols. The commission may approve changes to DSP 12CP values and the ERCOT 12CP value at any time. [~~, or the DSP's agent for transmission service billing purposes, as appropriate, excluding the portion of coincident peak demand attributable to wholesale storage load. This demand shall be used to bill transmission service for the next year. The ERCOT average 4CP demand shall be the sum of the coincident peak of all of the ERCOT DSPs, excluding the portion of coincident peak demand attributable to wholesale storage load for the four intervals coincident with ERCOT system peak for the months of June, July, August, and September divided by four. As used in this section, a DSP's average 4CP demand is determined from the total demand, coincident with the ERCOT 4CP, of all customers connected to a DSP, including load served at transmission voltage, but excluding the load of wholesale storage entities. The measurement of the coincident peak shall be in accordance with commission-approved ERCOT protocols.~~]

(A) Non-IOU DSPs must provide ERCOT timely access to settlement-quality meter data for each large load customer in its service territory.

(B) Notwithstanding the applicability of §25.193 of this title (relating to Distribution Service Provider Transmission Cost Recovery Factor (TCRF)), ERCOT must perform adjustments to each DSP 12CP load value by adding to each measured DSP 12CP load, for each large load customer of that DSP, the difference between that customer's large load minimum billing demand, as described in §25.193 of this title (relating to Distribution Service Provider Transmission Cost Recovery Factor (TCRF)), and that customer's measured 12CP load, adjusted for line losses as appropriate and annualized across the annual period for large load customers initiating their connection within the period or for large load customers which have increased their contracted peak demand or NCP demand within the period. For each large load customer, the adjustment under this subparagraph must commence at the level of available service at the time it is available, irrespective of whether the large load customer has energized or is fully using available capacity.

(2) Tie-line power flows. ERCOT must file a public report with the commission stating the total amount of energy imported and the total amount of energy exported over each tie line for the calendar month. The report must also include the total amount of energy exported from the ERCOT region during the reporting month and each of the preceding 11 calendar months, reported by scheduling entity. Each report must be filed within 45 days of the reporting month.

(g) [~~(e)~~] Transmission rates for exports from ERCOT. A transmission service charge for exports of power from ERCOT must be assessed to transmission service customers for transmission service within the boundaries of the ERCOT region, in accordance with this section and the ERCOT protocols.

(1) A transmission service customer must be assessed a transmission service charge for the use of the ERCOT transmission system in exporting power from ERCOT based on scheduled exports and the rates established under subsections (e) [~~(c)~~] and (f) [~~(d)~~] of this section. The intervals must consist of one hour.

(2) The hourly transmission rate for exports from ERCOT will be the TSP's annual rate established under subsections (e) [~~(c)~~] and (f) [~~(d)~~] of this section divided by 8760.

(3) The entity scheduling the export of power over a DC tie is solely responsible to the TSP for payment of transmission service charges under this subsection.

[~~(4) Beginning with the January 2023 reporting month, ERCOT must file a public report with the commission stating the total amount of energy imported and the total amount of energy exported over each DC tie for the calendar month. The report must also include the total amount of energy exported from the ERCOT region during the reporting month and each of the preceding 11 calendar months, reported by scheduling entity. Each report must be filed within 45 days of the reporting month.~~]

(h) [~~(f)~~] Transmission revenue. Revenue from the transmission of electric energy out of the ERCOT region over the DC ties that is recovered under subsection (g) [~~(e)~~] of this section must [~~shall~~] be credited to all transmission service customers as a reduction in the transmission cost of service for TSPs that receive the revenue.

(i) [~~(g)~~] Revision of transmission rates. Each TSP in the ERCOT region must [~~shall~~] periodically revise its transmission [~~service~~] rates under this section to reflect changes in the cost of providing such services. Any request for a change in transmission rates must [~~shall~~] comply with the filing requirements established by the commission. The commission may, at any time, require a TSP to file an application to revise its rates [~~under this section~~].

(j) [~~(h)~~] Interim update [~~Update~~] of network [~~Transmission~~] rates.

(1) Frequency. Each TSP in the ERCOT region may apply to update its network transmission service rate and its network export rate [~~rates~~] on an interim basis not more than twice [~~once~~] per calendar year to reflect changes in its invested capital. [~~Upon the effective date of an amendment to §25.193 pursuant to an order in Project Number 37909, *Rulemaking Proceeding to Amend P.U.C. Subst. R. 25.193, Relating to Distribution Service Provider Transmission Cost Recovery factors (TCRF)*, that allows a distribution service provider to recover, through its transmission cost recovery factor, all transmission costs charged to the distribution service provider by TSPs, each TSP in the ERCOT region may apply to update its transmission rates on an interim basis not more than twice per calendar year to reflect changes in its invested capital.~~]

(2) Costs that may be included. If the TSP elects to update its transmission rates, the new rates must [~~shall~~] reflect the addition and retirement of transmission facilities and include appropriate depreciation, federal income tax and other associated taxes, [~~and~~] the commission-authorized rate of return on such facilities, and any adjustments related to changes in transmission-related accumulated deferred federal income taxes, as well as changes in loads. If the TSP does not have a commission-authorized rate of return, an appropriate rate of return must [~~shall~~] be used.

(3) [~~(2)~~] Reconciliation. An interim update of network transmission service rates under [~~paragraph (1) of~~] this subsection must [~~shall~~] be subject to reconciliation at the next complete review of the TSP's transmission cost of service, at which time the commission must [~~shall~~]review the costs of the interim transmission plant additions to determine if they were reasonable and necessary. Any amounts resulting from an interim update that are found to have been unreasonable or unnecessary, plus the corresponding return and taxes, must [~~shall~~] be refunded with carrying costs determined as follows: for the time period beginning with the date on which over-recovery is determined to have begun to the effective date of the TSP's rates set in that complete review of the TSP's transmission cost of service, carrying costs must [~~shall~~] be calculated using the same rate of return that was applied to the transmission investments included in the update. For the time period beginning with the effective date of the TSP's rates set in that complete review of the TSPS's transmission cost of service, carrying costs must [~~shall~~] be calculated using the TSP's rate of return authorized in that complete review. The commission may order a compliance proceeding to determine the final amounts of over-recovery that must be refunded to customers and the form of the refund.

(4) [~~(3)~~] Consideration [~~Future consideration~~] of the effect on a TSP's financial risk and rate of return. For a TSP that has increased its rates under [~~pursuant to paragraph (1) of~~] this subsection, the commission may, in setting rates in the next complete review of the TSP's transmission cost of service, expressly consider the effects of reduced regulatory lag resulting from the interim updates to the TSP's rates and the concomitant impact on the TSP's financial risk and rate of return.

(5) [~~(4)~~] Commission processing of application. The commission will [~~shall~~] process an application filed under [~~pursuant to~~] paragraph (1) of this subsection in the following manner.

(A) Notice and intervention deadline. The applicant must [~~shall~~] provide notice of its application to all parties in the applicant's last complete review of the applicant's transmission cost of service and all of the distribution service providers listed in the last docket in which the commission set the annual transmission service charges and DSP billing demand for the Electric Reliability Council of Texas. The intervention deadline must [~~shall~~] be 21 days from the date service of notice is completed.

(B) Sufficiency of application. A motion to find an application materially deficient must [~~shall~~] be filed no later than 21 days after an application is filed. [~~The motion shall be served on the applicant by hand delivery, facsimile transmission, or overnight courier delivery, or by e-mail if agreed to by the applicant or ordered by the presiding officer.~~] The motion must [~~shall~~] specify the nature of the deficiency and the relevant portions of the application, and cite the particular requirement with which the application is alleged not to comply. The applicant's response to a motion to find an application materially deficient must [~~shall~~] be filed no later than five working days after such motion is filed [~~received~~]. If within ten working days after the deadline for filing a motion to find an application materially deficient, the presiding officer has not filed a written order concluding that material

deficiencies exist in the application, the application is deemed sufficient.

(C) Review of application. A proceeding initiated under [~~pursuant to~~] paragraph (1) of this subsection is eligible for disposition under [~~pursuant to~~] §22.35(b)(1) of this title (relating to Informal Disposition). If the requirements of §22.35 of this title are met, the presiding officer must [~~shall~~] issue a notice of approval within 60 days of the date a materially sufficient application is filed unless good cause exists to extend this deadline or the presiding officer determines that the proceeding should be considered by the commission.

(6) [~~(5)~~] Filing schedule [~~Schedule~~]. The commission may prescribe a schedule for TSPs [~~providers of transmission services~~] to file proceedings to revise the rates for transmission [~~such~~] services.

~~[(6) [DSP's right to pass through changes in wholesale rates. A DSP may expeditiously pass through to its customers changes in wholesale transmission rates approved by the commission, pursuant to §25.193 of this title (relating to Distribution Service Provider Transmission Cost Recovery Factors (TCRF)).]~~

(7) Reporting requirements. Each TSP must [~~TSPs shall~~] file reports that will permit the commission to monitor its [~~their~~] transmission costs and revenues, in accordance with any filing requirements and schedules prescribed by the commission.

(k) Large load customer interconnection fee and financial security.

(1) Interconnection fee. A large load customer must pay the interconnecting TSP an interconnection fee in accordance with §25.194 (relating to Large Load Interconnection Standards). In all proceedings to adjust rates under this section, TSPs must apply all interconnection fee amounts received as an offset to the TSP's transmission revenue requirement.

(2) Financial security. In all proceedings to adjust rates under this section, TSPs must apply all financial security amounts forfeited pursuant to §25.194 of this title (relating to Large Load Interconnection Standards) as an offset to the TSP's transmission revenue requirement.

(l) Transition requirements.

(1) The initial DSP 12CP billing demands established under subparagraph (f)(1) of this section are effective consistent with the order in the next docket in which the commission sets the annual transmission service charges and DSP billing demands for ERCOT using the 12CP data provided by ERCOT under subparagraph (f)(1) of this section.

(2) Each TSP must submit a compliance filing to update its tariff within 30 days of adoption of this section. The updated tariff must change any references to 4CP billing demand or the associated months to allow for the transition to "superseding billing demand approved by the commission" or similar language and may not include any other changes.

§25.193. Distribution Service Provider Transmission Cost Recovery Factor [~~Factors~~] (TCRF).

(a) Applicability. [~~Application.~~] The provisions of this section apply to all investor-owned distribution service providers (DSPs) providing distribution service entirely within the Electric Reliability Council of Texas (ERCOT) region to retail electric providers (REPs) and other customers of the distribution system.

(b) TCRF authorized.

(1) A DSP subject to this section that is billed for network transmission service by a transmission service provider (TSP) under [~~pursuant to~~] §25.192 of this title (relating to Transmission Service Rates) must [~~shall be allowed to~~] include within its tariff a TCRF clause that authorizes the DSP to charge or credit its customers for the entire amount of wholesale network transmission expenses properly incurred by [~~cost changes approved or allowed by the commission to the extent that such costs vary from the transmission service cost utilized to fix the base rates of~~] the DSP. The DSP must [~~shall~~] update its TCRF twice per year on March 1 and September 1 to pass through the wholesale network transmission expenses [~~cost changes~~] billed by a TSP. For the March 1 update, the DSP must [~~shall~~] file a request to update its TCRF no later than December 1; and for the September 1 update, no later than June 1. Within 45 days after a DSP files a request to update its TCRF, the commission must [~~shall~~] issue an order establishing the amount of the revised TCRF and suspend the effective date of the revised TCRF as necessary so that the new TCRF charges will take effect on March 1 or September 1, as applicable.

(2) A DSP must [~~shall~~] include in its TCRF update calculation:

(A) the cost of wholesale network transmission charges to the DSP [~~cost changes~~] approved or allowed by the commission [~~to the extent that such costs vary from the transmission service utilized to fix the rates of the DSP~~]; and

(B) an adjustment amount, which must [~~shall~~] equal:

(i) the actual wholesale network transmission expenses [~~costs~~] paid by the DSP during the review period to TSPs [~~as a result of increases in the TSPs' wholesale transmission rates above the wholesale transmission rates of the TSPs used to develop the retail transmission charges of the DSP in the DSP's last rate case~~]; minus

(ii) the revenues recovered through the DSP's TCRF minus the portion of the adjustments approved by the commission in the DSP's most recent two TCRF filings that were in effect during the review period.

(iii) For a March 1 TCRF update, the adjustment must [~~shall~~] reflect the six-month period beginning with the preceding May 1 and continuing through October 31 (review period); for a September 1 update, the adjustment must [~~shall~~] reflect the six-month period beginning with the preceding November 1 and continuing through April 30 (review period). A [~~In no event shall a~~] DSP's TCRF clause must not, in any event, result in the DSP recovering more than its actual [~~cost of~~] wholesale network transmission service expenses charged to it by TSPs [~~included in the TCRF~~].

(c) TCRF Formula. Except as provided for in subsection (e) of this section, the [~~The~~] TCRF for each class must [~~shall~~] be computed based on the sum of the values of the TSP network transmission service rates times the DSP's load pursuant to the following formula:
Figure: 16 TAC §25.193(c)
[~~Figure: 16 TAC §25.193(c)~~]

(d) Large load minimum billing demand.

(1) A REP serving a large load customer, as determined by §25.194 of this title (relating to Large Load Interconnection Standards), must be charged for that customer based upon a minimum billing demand.

(2) The minimum billing demand for a large load customer under paragraph (1) of this subsection must be the greater of:

(A) the large load customer's contracted peak demand, as defined in §25.194 of this title (relating to Large Load Interconnection Standards);

(B) the highest non-coincident peak demand placed by the large load customer on the system in the past year; or

(C) the large load customer's 12CP demand consistent with the most recent ERCOT 12CP intervals, as defined in §25.192 of this title (relating to Transmission Service Rates).

(3) A large load customer's billing under this section must commence at the level of available service at the time it is available, irrespective of whether the large load customer has energized or is fully using available capacity, and for a period of no less than 20 years.

(e) Adjustments due to delayed cost recovery or billing information. An IOU DSP may request, and the commission may approve, reasonable adjustments to the TCRF formula included in subsection (c) of this section to account for delays between costs incurred to serve large load customers and cost recovery from those customers. Such adjustments are limited to:

(1) adjustments to increase billing units associated with anticipated large load customers;

(2) adjustments to increase the allocation of costs to classes that include large load customers; and

(3) the allocation of revenues over-recovered from classes that include large load customers to other customer classes.

[~~(e) [Reports. The DSP shall maintain and provide to the commission semi-annual reports containing all information required to monitor the costs recovered through the TCRF clause. This information includes, but is not limited to, the total estimated TCRF cost for each month, the actual TCRF cost on a cumulative basis, the amount of transmission costs included in base rates, total revenues resulting from the TCRF, and the calculation of the amount to be recovered under subsection (b)(2) of this section. The reports shall be filed by March 31 and September 30 of each year.~~]

(f) [~~(d)~~] TCRF charges. A DSP's TCRF charge must [~~shall~~] remain in effect until adjusted under this section [~~or until the DSP's delivery rates change pursuant to a commission order in a rate proceeding~~].

(g) Reports. Each IOU DSP must file a report with the commission annually on December 1, detailing the amount of revenues collected from each customer class during the preceding year beginning October 1 and ending September 30, and including all such information from prior years.

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

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SUBCHAPTER J. COSTS, RATES AND TARIFFS
DIVISION 1. RETAIL RATES

16 TAC §25.252

Statutory Authority

The new rule is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.003, which authorizes the commission to require a public utility to report to the commission information relating to the utility; §32.001, which grants the commission exclusive original jurisdiction over the rates, operations, and services of an electric utility in areas outside a municipality and areas inside a municipality that surrenders its jurisdiction to the commission under Section 33.002; §32.101(a), requiring an electric utility to file a tariff showing each rate that is subject to the commission's jurisdiction and in effect for a utility service, product, or commodity offered by the utility; §35.004(a)-(c-1), which sets forth the requirements for transmission service, requires nondiscriminatory access to wholesale transmission service for specified entities, and requires the commission to ensure that a utility recovers its reasonable costs in providing wholesale transmission services and interconnecting a large load to the utility's system; §35.006, which requires the commission to adopt rules relating to wholesale transmission service, rates, and access; §35.007, which requires an electric utility that owns or operates a transmission facility to file a tariff in compliance with commission rules adopted under PURA §35.006; §36.001, which grants the commission the authority to establish and regulate rates of an electric utility and to adopt rules for determining the classification of customers and services and the applicability of rates; §36.003, which requires rates to be just and reasonable, and not unreasonably preferential, prejudicial, or discriminatory but sufficient, equitable, and consistent in application to each class of consumer; §36.055, which requires costs of facilities, revenues, expenses, taxes, and reserves to be separated or allocated as prescribed by the commission; §36.059, which sets forth the requirements for the commission to determine the allocation of tax savings derived from liberalized depreciation and amortization, the investment tax credit, and the application of similar methods, and requires specific treatment if an electric utility or municipally owned utility retains a portion of the investment tax credit; §37.0561, which defines a large load customer, requires the commission to establish standards for uniform financial commitments, and requires the commission to establish uniform requirements for determining when capacity that is subject to an outstanding financial commitment may be reallocated; §39.151, which grants the commission complete oversight of ERCOT; and §39.203(a)-(b), which sets forth requirements to provide transmission service.

Cross Reference to Statute: Public Utility Regulatory Act §14.001; 14.002; 14.003; §32.001; 32.101(a); 35.004(a)-(c-1); 35.006-35.007; 36.001; 36.003; 36.055; 36.059; 37.0561; 39.151; and 39.203(a)-(b).

§25.252. Large Load Customer Tariffs.

(a) Applicability. The provisions of this section apply to all transmission service providers (TSPs) providing transmission service within the Electric Reliability Council of Texas (ERCOT) region and investor-owned utility distribution service providers (IOU DSPs) providing distribution service within the ERCOT region to retail electric providers (REPs) and other customers of the distribution system. The provisions of this section govern electric service provided to large load

customers that are subject to §25.194 of this title (relating to Large Load Interconnection Standards).

(b) Definitions. The following terms, when used in this section, have the following meanings, unless context indicates otherwise.

(1) Contracted peak demand--Contracted peak demand as that term is defined in §25.194 of this title (relating to Large Load Interconnection Standards).

(2) Distribution interconnection costs. All costs, other than transmission interconnection costs, associated with the facilities required to physically interconnect or upgrade the interconnection of a distribution-level customer, or a distinct set of distribution-level customers, to provide distribution service, including interconnection lines at distribution voltage, substation additions or modifications, and associated equipment necessary to establish or modify distribution service that do not qualify as transmission facilities under §25.192 of this section (relating to Transmission Service Rates).

(3) Large load customer--An entity that is subject to §25.194 of this title (relating to Large Load Interconnection Standards).

(4) Large load minimum billing demand--The minimum transmission billing demand associated with large load customers, as described by §25.193 of this title (relating to Distribution Service Provider Transmission Cost Recovery Factor (TCRF)).

(5) Transmission interconnection costs. All costs associated with the facilities required to physically interconnect or upgrade the interconnection of a transmission-level customer, or a distinct set of transmission-level customers, to the existing transmission network, including interconnection lines, substation additions or modifications, and associated equipment necessary to establish or modify service.

(c) TSP and IOU-DSP tariff requirements. The following provisions regarding large load customers apply regardless of whether the large load customer interconnects at transmission voltage or distribution voltage. Each TSP and each IOU-DSP must include the following terms in its tariff:

(1) Financial security. A large load customer must post financial security in accordance with §25.194 of this title (relating to Large Load Interconnection Standards).

(2) Contribution in aid of construction.

(A) A large load customer must pay contribution in aid of construction for transmission interconnection costs and distribution interconnection costs.

(B) Contribution in aid of construction must be made in the form of a direct cash payment.

(C) An allowance for contribution in aid of construction is prohibited.

(3) Interconnection agreement. An interconnection agreement for service with a term of not less than 20 years and that complies with §25.194 of this title (relating to Large Load Interconnection Standards) is required.

(d) TSP tariff requirements. The following provisions regarding large load customers apply to TSPs and large load customers. Each TSP must include the following terms in its tariff:

(1) Reservation of transmission capacity. A large load customer must meet the following requirements to reserve transmission capacity:

(A) execute an interconnection agreement that complies with the requirements of §25.194 of this title (relating to Large Load Interconnection Standards);

(B) meet the financial commitments and obligations required by §25.194 of this title (relating to Large Load Interconnection Standards); and

(D) remain in compliance with the interconnection agreement executed in accordance with §25.194 of this title (relating to Large Load Interconnection Standards).

(2) Reallocation. Transmission capacity may be reallocated if a large load customer fails to meet the requirements described in this subsection.

(e) IOU-DSP tariff requirements. The following provisions regarding large load customers apply to IOU-DSPs and large load customers. Each IOU DSP must include the following terms in its tariff:

(1) Commencement of billing. Billing must commence beginning the first billing cycle after the date that transmission capacity is made available to serve the large load customer.

(2) Large load minimum billing demand.

(A) A large load customer that does not energize at the time that billing commences must be billed based on the large load customer's contracted peak demand until such time as the large load customer energizes.

(B) For the first 20 years after commencement of billing, the large load customer must complete 240 consecutive payments based on the greater of:

(i) the large load customer's contracted peak demand;

(ii) the highest non-coincident peak demand placed by the large load customer on the system in the past year; or

(iii) the large load customer's 12CP demand consistent with the most recent ERCOT 12CP intervals, as defined in §25.192 of this title (relating to Transmission Service Rates).

(f) Compliance filing. Each IOU DSP must submit a compliance filing to update its tariff within 30 days of adoption of 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 July 9, 2026.

TRD-202602813
Katelyn Lewis
Special Projects Coordinator
Public Utility Commission of Texas
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 936-7044

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

SUBCHAPTER D. SPECIAL EDUCATION SERVICES AND SETTINGS

19 TAC §89.62

The State Board of Education (SBOE) proposes the repeal of §89.62, concerning support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf. The proposed repeal would remove §89.62 as the SBOE's statutory authority for the rule was removed by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 89.62 establishes support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.

HB 2 and SB 568 modified TEC, §30.003 and §30.004, to remove the SBOE's authority for the rule. The proposed repeal is necessary to implement legislation.

The SBOE approved the proposed repeal for first reading and filing authorization at its June 26, 2026 meeting.

FISCAL IMPACT: Jennifer Alexander, associate commissioner for special populations and student supports, has determined that 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: 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 repeal an existing regulation to align with HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which removed SBOE rulemaking authority related to support of students enrolled in the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or the elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: 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 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 July 24, 2026, and ends at 5:00 p.m. on August 24, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in August-September 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 July 24, 2026.

STATUTORY AUTHORITY. The repeal is proposed under House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which amended Texas Education Code (TEC), §30.003, to repeal the authority of the State Board of Education (SBOE) to set a date by rule on which school districts and state institutions shall provide to the commissioner the necessary information to determine the district's share of cost for a student's education at the Texas School for the Blind and Visually Impaired or Texas School for the Deaf and adopt rules as necessary to implement this section of the TEC; and HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which amended TEC, §30.004, to repeal the authority of the SBOE to adopt rules prescribing the information that school districts shall provide to parents or other persons having lawful control of a student about programs and services available at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf.

CROSS REFERENCE TO STATUTE. The repeal implements House Bill 2 and Senate Bill 568, 89th Texas Legislature, Regular Session, 2025.

§89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.

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 July 9, 2026.

TRD-202602803

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-1497

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CHAPTER 113. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SOCIAL STUDIES

SUBCHAPTER C. HIGH SCHOOL

19 TAC §113.26

The State Board of Education (SBOE) proposes new §113.26, concerning personal financial literacy. The proposed new section would update the Texas Essential Knowledge and Skills (TEKS) for the high school personal financial literacy course to ensure alignment with requirements in House Bill (HB) 27, 89th Texas Legislature, Regular Session, 2025, and ensure the standards remain current.

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.

In 2013, the 83rd Texas Legislature passed HB 2662, amending Texas Education Code (TEC), §28.0021, to require school districts and open enrollment charter schools offering a high school program to provide a one-half credit elective course in personal financial literacy. In January 2016, the SBOE adopted TEKS for the elective course in personal financial literacy to be implemented beginning with the 2016-2017 school year.

In 2021, Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, amended 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 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 credit economics and personal financial literacy combined 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 geography, 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 advanced placement course that contains substantively similar and rigorous academic content.

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 Texas Education Agency (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 Committee of the Full Board 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. At the April 2026 meeting, the SBOE held a public hearing on the proposed new TEKS. At the meeting, the SBOE removed §113.26, Personal Financial Literacy (One-Half Credit), Adopted 2026, from the proposal and directed staff to post on the TEA website both the proposed new course as presented in the April agenda and an alternative version presented during the meeting and to collect informal public feedback. At that time, the SBOE also approved the remaining proposed new rules in 19 TAC Chapter 113, Subchapters A-D, for first reading and filing authorization.

In June 2026, the SBOE approved the Applied Personal Financial Literacy course as the proposed new section for first reading and filing authorization at its June 26, 2026 meeting.

FISCAL IMPACT: Shannon Trejo, deputy commissioner for school programs, has determined that for the first five years the proposal is in effect (2027-2031), there are no fiscal implications to the state. However, in Fiscal Year 2026, the estimated cost to TEA for revision of the personal financial literacy TEKS was $13,000.

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 a new regulation by proposing new TEKS in personal financial literacy 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 July 24, 2026, and ends at 5:00 p.m. on August 24, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in August-September 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 July 24, 2026.

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, §28.025(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 House Bill 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 (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a) and (b-24).

§113.26. Applied Personal Financial Literacy (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2027-2028 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Applied Personal Financial Literacy (PFL) will develop citizens who have the knowledge and skills to make sound, informed financial decisions that will allow them to lead financially secure lifestyles and understand personal financial responsibility. The knowledge gained in this course has far-reaching effects for students personally as well as the economy as a whole. When citizens make wise financial decisions, they gain opportunities to invest in themselves, build businesses, consume goods and services in a responsible way, and secure a future without depending on outside assistance. The economy benefits from the optimal use of resources, increased consumption, and strong local businesses.

(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 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; 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 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)--Knowledge of Civics;

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

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

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

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

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

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

(K) 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) Fundamental Concepts of Economics Related to PFL. The student understands fundamental concepts of economics related to personal financial literacy and the role of ethical decision-making and personal responsibility in financial choices. The student is expected to:

(A) define the economic concepts of scarcity, supply, demand, opportunity cost, free enterprise, profit incentive, appreciation, depreciation, financial integrity, and accountability (G/Civ, E);

(B) understand how scarcity drives market prices by applying supply and demand models (E, S);

(C) evaluate how opportunity cost impacts personal financial choices by comparing the value of the next best alternative, including responsible prioritization of needs over wants (E, S);

(D) describe characteristics of free enterprise, including private property, freedom of choice, profit incentive, competition, limited government, and voluntary exchange, and explain the importance of integrity and accountability in economic interactions (E); and

(E) compare how appreciation and depreciation affect asset values and net worth in the context of long-term financial responsibility and planning (E).

(2) Personal Financial Planning, Goal Setting, and Decision-Making. The student develops a personal framework to guide financial decisions and uses structured critical thinking to evaluate alternatives and discuss decisions. The student is expected to:

(A) define the economic concepts of retirement, financial independence, emergency fund, life expectancy, and problem model (E);

(B) develop one-year, five-year, and ten-year financial, education, career, and personal goals that are specific, measurable, attainable, realistic, and time based (E, S);

(C) create a 10-year personal financial plan with annual benchmarks that integrates education, career, income, saving, investing, major purchases, long-term financial independence goals, and risk management, including a will, financial power of attorney, medical power of attorney, and living will (E, S);

(D) describe a future life in 10 years, including desired career, income, education, housing, transportation, saving, emergency funds, retirement, life expectancy or financial independence funding, personal priorities, and life satisfaction (E, S);

(E) create a structured decision-making problem model, using relevant information with alternatives, potential outcomes, and financial decisions using evidence and reasoning (E, S); and

(F) validate goals and the 10-year personal financial plan as new knowledge, skills, circumstances, and economic conditions are analyzed during the course (E, S).

(3) Careers, Postsecondary Education, and Earning Potential. The student analyzes personal interests, career pathways, labor-market conditions, and postsecondary education options to align ca-

reer decisions with personal goals and financial plans. The student is expected to:

(A) define the economic concepts of labor market data, global competition, comparative advantage, creative destruction, technical training, and internship (E);

(B) identify personal interests, skills, values, and aptitudes and align them with multiple potential career pathways, including careers that may emerge as technology and the economy change (E, S);

(C) research career pathways using labor-market data, online resources, and artificial intelligence tools to evaluate income growth, employment trends, global competition, comparative advantage, technological change, creative destruction, required skills, and possible employers (E, S);

(D) describe how education, skills, certifications, technical training, internships, and work-based learning influence income opportunities in a competitive free enterprise labor market (E);

(E) evaluate postsecondary pathways, including universities, community colleges, technical programs, certificate programs, military options, and industry credentials (E, S);

(F) calculate the total cost of postsecondary education or training, including tuition, fees, housing, books, instructional materials, transportation, personal expenses, technology, and related costs, then evaluate the return on investment, opportunity costs, risks, and debt obligations associated with postsecondary education and career pathways (E, S);

(G) list funding sources for postsecondary education, including the Free Application for Federal Student Aid (FAFSA) or Texas Application for State Financial Aid (TAFSA), grants, scholarships, work-study, employer-subsidized tuition, internships, student loans, tax credits, and family or personal contributions (E, G/Civ); and

(H) add career, education, training, funding, and deadline information to the five-year and ten-year personal financial plan (E, S).

(4) Consumer Economics and Financial Decision-Making. The student understands how habits, personal responsibility, consumerism, emotional responses, and external pressures affect personal financial decisions and demonstrates the ability to apply strategies for responsible, ethical, and informed financial decision-making in a digital age. The student is expected to:

(A) define the economic concepts of consumerism, delayed gratification, marketing strategies, true and sunk costs, risk, simple and compound interest rates, and costs (E, G/Civ);

(B) interpret how consumerism behaviors can lead to unfavorable financial outcomes and identify strategies, including self-discipline and delayed gratification, to avoid common errors in financial judgment (E, S);

(C) explain how consumerism and marketing strategies, including social media influencers, algorithm-driven recommendations, financial technology platforms, and traditional advertising, influence spending behavior and financial decision-making (Geo/C, E, S);

(D) evaluate the credibility and bias of financial information sources by analyzing author, audience, and purpose while considering honesty and integrity in evaluating information (Geo/C, E, S);

(E) apply structured financial decision-making frameworks, including cost-benefit analysis and opportunity cost evaluation, to make evidence-based financial decisions and demonstrate accountability for outcomes (E, S);

(F) evaluate the true and sunk cost and risks of high-interest credit services by calculating interest costs and analyzing the consequences of missed or late payments (E, S); and

(G) examine how generational family financial behaviors influence money patterns, goals, personal responsibility, and decision-making (Geo/C, E, S).

(5) Earning Income. The student understands sources of income and factors that affect earning potential, compensation, postsecondary pathways, and income-related responsibilities. The student is expected to:

(A) define the economic concepts of contract income, royalty income, commission income, interest income, dividends, employment forms, FASFA/TASFA, trade-offs, and gross and net pay (E, G/Civ);

(B) identify sources of income, including wages, salaries, tips, contract income, rental income, royalty income, bonuses, commission income, interest income, dividends, and profits (E);

(C) research employment forms of the IRS, including W-2, W-4, W-9, 1099, and 1040 (E, G/Civ);

(D) analyze how personal interests, skills, and goals align with potential careers by examining income potential, geographic patterns, workforce demand, and economic conditions (Geo/C, E, S);

(E) evaluate the return on investment of postsecondary education, training, or credentialing pathways, including total cost, earning potential, time commitment, and opportunity costs (E, S);

(F) analyze postsecondary financing options, including scholarships, grants, work-study programs, and student loans (E, S);

(G) explain the purpose of financial aid applications, such as the FAFSA or TASFA, and identify factors that may affect eligibility for federal, state, institutional, and private financial aid (G/Civ, E, S);

(H) assess the financial trade-offs of contract employment, independent contracting, and freelance work, including income variability, taxes, insurance, and benefits (E, S);

(I) evaluate total compensation by comparing wages and employee benefits, including employer contributions to health insurance, retirement plans, and paid leave (E, S);

(J) differentiate between gross pay and net pay by explaining how taxes, deductions, and withholdings affect take-home earnings using sample pay stubs (E, S); and

(K) complete a simulated tax scenario by applying knowledge of filing status, income sources, deductions, credits, tax withholding, and estimated tax (E, S).

(6) Budgeting: Spending and Planning. The student understands that financial decision-making impacts budgets and helps achieve financial goals by allocating income to spending, saving, giving, and other financial priorities while reflecting responsible stewardship and intentional use of resources. The student is expected to:

(A) define the economic concepts of fixed and variable expenses, savings, total income, financial records, accountability, giving, tax benefits, purchasing power, historical data, economic indicators, and the 50-30-20 rule of budgeting (E);

(B) develop a balanced budget that accounts for income, fixed and variable expenses, and savings as a proportion of total income using digital or manual tools (E, S);

(C) design a system for tracking income, expenses, and financial records to support accountability and careful oversight (E, S);

(D) model a purposeful giving plan, including 10-10-80, that considers time, talents, and monetary donations while evaluating budget impact, recordkeeping, and potential tax benefits (G/Civ, E, S);

(E) calculate and compare the costs of utilities and insurance, benefits, and long-term affordability of renting versus buying a home by analyzing total cost, contract terms, and mortgage options (E, S);

(F) compare the cost of living in different geographic locations in Texas and the United States by considering housing, multiple forms of taxation, transportation, health care, and income (Geo/C, E, S);

(G) calculate and compare the costs and benefits of purchasing versus leasing different types of vehicles by analyzing lease agreements, purchase contracts, loan payments, insurance requirements, depreciation, and total cost of ownership (E, S);

(H) compare financial exchange options, including cash, checks, debit cards, credit cards, electronic bank transfers, peer-to-peer payment platforms, and digital wallets, by evaluating costs, benefits, security risks, and consumer protections (E, S);

(I) analyze how inflation impacts purchasing power, savings, and budgeting using historical data and economic indicators (E, S);

(J) create a monthly and annual household budget based on the 50-30-20 rule of budgeting (E, S); and

(K) identify assets and liabilities and construct a personal net worth statement to measure financial health and demonstrate prudent stewardship of resources (E, S).

(7) Saving and Investing. The student understands that saving and investing are essential components of building wealth, financial security, and long-term independence, including principles of ethical stewardship, personal responsibility, and respect for individual liberty. The student is expected to:

(A) define the economic concepts of liquidity, deposit insurance protections, small and large cap stocks, corporate and government bonds, mutual funds, exchange-traded funds, index funds, traditional IRA, Roth IRAs, 401(k) plans, 403(b) plans, pension plans, Social Security, employer matching programs in long-term retirement planning, simple, compound interest and apply the Rule of 72, savings growth, investment growth, borrowing costs, FDIC, NCUA, SEC, CFPB, qualified financial professional, fiduciary duty, and investment profiles (E, G/Civ);

(B) compare the features, benefits, and limitations of various savings options by evaluating interest rates, liquidity, fees, and deposit insurance protections (E, S);

(C) compare investment options, including small-cap and large-cap stocks, corporate and government bonds, mutual funds, exchange-traded funds, and index funds, by analyzing risk, return, fees, and historical performance (E, S);

(D) compare retirement savings options, including traditional and Roth IRAs, 401(k) plans, 403(b) plans, and pension plans, and explain the role of Social Security and employer matching programs in long-term retirement planning (G/Civ, E);

(E) calculate simple and compound interest and apply the Rule of 72 to estimate savings growth, investment growth, and borrowing costs (E, S);

(F) define personal risk tolerance and determine a hypothetical investment strategy based on time horizon, market conditions, and financial goals (E, S);

(G) explain how regulation of financial institutions, including the FDIC, NCUA, SEC, and CFPB, contributes to financial security and consumer protection (G/Civ, E);

(H) evaluate when to use a qualified financial professional versus managing investments independently by comparing knowledge, fees, fiduciary duty, professional credentials, and investment options (E, S);

(I) analyze the characteristics, risks, regulatory landscape, and role of cryptocurrency and digital assets in the broader financial ecosystem (E, S);

(J) appraise responsible use of financial technology through automated investment platforms, including robot-advisors and micro-investing apps, by analyzing fee structures, investment strategies, algorithmic limitations, and suitability for different investor profiles (E, S);

(K) distinguish how automatic enrollment and opt-in versus opt-out retirement and savings plan designs affect participation rates and long-term wealth building (E, S); and

(L) create an investment plan using stocks, bonds, mutual funds, or other types of financial instruments that builds a diversified portfolio that has a reporting period of two to four weeks (E).

(8) Credit and Debt. The student understands the costs and benefits of borrowing and lending and how they impact financial health, including principles of ethical stewardship, personal responsibility, and wise financial decision-making. The student is expected to:

(A) define the economic concepts of revolving credit, collateralized loans, collateral, creditworthiness, predatory lending, fixed versus variable interest rates, length of term, snowball and avalanche methods, truth-in-lending disclosures and repayment capacity (E, G/Civ);

(B) compare types of credit, including revolving credit, installment credit, collateralized loans, and unsecured credit, by evaluating interest rates, fees, repayment terms, and the role of collateral and how these factors affect responsible credit use (E, S);

(C) identify factors in credit reports, including potential errors that impact credit scores, and analyze behaviors that can improve or harm creditworthiness over time, including accountability and consistent financial habits (E, S);

(D) develop a plan to build or maintain creditworthiness (E, S);

(E) analyze sources of credit, including banks, credit unions, online lenders, peer-to-peer lenders, and retail financing, and explain how creditworthiness factors influence access to different types of credit (E, S);

(F) analyze the components of the cost of borrowing, including annual percentage rate, fixed versus variable interest rates, length of term, grace period, and additional fees (E, S);

(G) evaluate high-cost and predatory lending practices, including payday loans, auto title loans, pawn shop loans, rent-to-own agreements, high-interest installment loans, and deceptive lending terms, and compare their total cost to traditional credit options (E, S);

(H) evaluate and apply debt management strategies, including snowball and avalanche methods, to address student loans, credit cards, and consumer debt (E, S); and

(I) evaluate truth-in-lending disclosures to determine borrowing costs, borrower rights and responsibilities, and whether repayment terms align with financial goals and repayment capacity (E, S).

(9) Risk Management and Insurance. The student understands that managing risk through saving, insurance, fraud prevention, and legal protections helps safeguard against potential loss and ensure long-term financial well-being. The student is expected to:

(A) define economic concepts of insurance terms, including premium, deductible, copayment, coinsurance, out-of-pocket maximum, and policy limits, deductibles, replacement costs, and coinsurance (E);

(B) explain how geographic factors influence insurance needs and costs, including flood, fire, wind, and hail coverage (Geo/C, E);

(C) analyze how personal risk factors and coverage choices affect insurance premiums, including coverage amounts, deductibles, replacement costs, and policy limits (E, S);

(D) classify insurance coverage options, including health, auto, renters or homeowners, life, and disability insurance, by comparing coverage, costs, suitability, and financial impact across different life scenarios (E, S);

(E) evaluate health insurance options, including premiums, deductibles, copayments, coinsurance, out-of-pocket maximums, health savings accounts, and flexible spending accounts, by comparing costs, tax advantages, and out-of-pocket risk (E, S);

(F) explain the role of government programs, including unemployment insurance, disability insurance, Medicaid, and Medicare, in managing financial risk across the lifespan (G/Civ, E);

(G) identify and respond to financial fraud, including investment scams, Ponzi schemes, identity theft, and consumer fraud, by using reporting procedures and consumer protection agencies or resources (G/Civ, E, S);

(H) explain the importance of estate planning, including wills, beneficiaries, powers of attorney, and advance directives (G/Civ, E); and

(I) explain how an emergency savings fund works together with insurance as part of ensuring long-term financial well-being (E).

(10) Entrepreneurship and Personal Financial Opportunity. The student understands that entrepreneurship in a free enterprise system rooted in individual initiative and economic liberty can provide opportunities for individuals to create value, assume risk, earn profit, build personal financial stability, and contribute to economic growth through responsible and ethical financial decision-making. The student is expected to:

(A) define value, financial risk, profit, innovation, entrepreneurship, profit distribution, capitalist, free enterprise, and innovation (E);

(B) analyze how entrepreneurs create value, assume financial risk, earn profit, and build wealth through individual initiative, innovation, and responsible management of resources (E, S);

(C) evaluate how entrepreneurship, self-employment, and multiple income streams can support personal financial stability, resilience, and long-term financial goals (E, S);

(D) compare entrepreneurial ownership structures by analyzing how ownership, liability, taxation, and profit distribution can affect personal financial risk and income potential (G/Civ, E, S);

(E) examine how entrepreneurs respond to supply-and-demand trends and unmet needs in the marketplace through innovation, problem solving, and responsible service to consumers (E, S);

(F) analyze how entrepreneurs respond to supply-and-demand trends and evaluate how entrepreneurship in a capitalist, free enterprise system contributes to personal financial opportunity, job creation, innovation, and economic growth (E, S); and

(G) create a business plan for a hypothetical product or service operation that includes the necessary budgetary, accounting, financing, organizational labor charting, marketing, and sales (E).

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 July 9, 2026.

TRD-202602802
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 3. TEXAS BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 72. BOARD FEES, LICENSE APPLICATIONS, AND RENEWALS

22 TAC §72.1

The Texas Board of Chiropractic Examiners (Board) proposes an amendment to 22 TAC §72.1 (Fees). This rulemaking action will correct a numbering error in the current rule. As it currently reads, 22 TAC §72.1 jumps from 22 TAC §72.1(14) to §72.1(16), excluding the number 15. In turn, this error causes all subsequent numbers to be incorrect. This amendment corrects that numbering error so that all provisions in this section are numbered correctly.

FISCAL NOTE: The Board's Executive Director, Dr. Boyd Bush, Ed.D., has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government. There will be no adverse effect on small businesses or rural communities, micro-businesses, or local or state employment. There will be no additional economic costs to persons required to comply with the amendments as proposed. An Economic Impact Statement and Regulatory Flexibility Analysis is not required because

the proposed amendments will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

PUBLIC BENEFIT -COST NOTE: Dr. Bush has determined that for each year of the first five years the proposed amendments will be in effect the public benefit is to remove numerical errors in the current rule and have an accurate publication of the rule.

LOCAL EMPLOYMENT IMPACT STATEMENT: Dr. Bush has determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Dr. Bush has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

The Board provides this Government Growth Impact Statement, pursuant to Texas Government Code §2001.0221, for the proposed amendments of 22 TAC §72.1. For each year of the first five years the proposed amendments are in effect, Dr. Bush has determined:

(1) The proposed amendments do not create or eliminate a government program.

(2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions.

(3) Implementation of the proposed amendments does not require an increase or decrease in future legislative appropriations to the Board.

(4) The proposed amendments do not require a decrease or increase in fees paid to the Board.

(5) The proposed amendments do not create a new regulation.

(6) The proposal amends an existing Board rule for an administrative process.

(7) The proposed amendments do not decrease the number of individuals subject to the rule's applicability.

(8) The proposed amendments do not positively or adversely affect the state economy.

This proposed rulemaking will not impact private real property as defined by Texas Government Code §2007.003, so a takings impact assessment under Government Code §2001.043 is not required. Additionally, Government Code §2001.0045 (Requirement for Rule Increasing Costs to Regulated Persons) does not apply to this rulemaking as it will not increase costs to regulated persons.

Comments on the proposed amendments or a request for a public hearing may be submitted to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 North Congress Avenue, Suite 10.500, Austin, Texas 78701-1319, via email: rules@tbce.state.tx.us; or fax: (512) 305-6705, no later than 30 days from the date that these proposed amendments is published in the *Texas Register*. Please include the rule name and number in the subject line of any comments submitted by email.

The amendments are proposed under Texas Occupations Code §201.152 (which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic).

No other statutes or rules are affected by these proposed amendments.

§72.1. Fees.

(a) Current Board fees:

(1) License application -- $200 (includes online jurisprudence education course)

(2) Initially issued license -- $10 - $120 (prorated)

(3) Biennial license renewal -- $300

(4) Late license renewal:

(A) Less than 90 days -- $450

(B) 90 days up to 1 year -- $600

(C) 1 year to 3 years -- calculated (only for good cause)

(5) Reinstatement -- $145

(6) Inactive status request -- $0

(7) Renewal from inactive -- $300

(8) Duplicate wall certificate -- $25

(9) Duplicate pocket certificate -- $10

(10) College faculty license -- $75

(11) College faculty license renewal -- $75

(12) Online jurisprudence exam -- $150

(13) Repeat jurisprudence exam -- $250 ($100 to the Board, $150 to vendor)

(14) Jurisprudence education course -- $55

(15) [~~(16)~~] Letter of good standing -- $25

(16) [~~(17)~~] Criminal history eligibility letter -- $150

(17) [~~(18)~~] Continuing education course approval -- $100

(18) [~~(19)~~] Returned check -- $25

(b) Fees for a returned check may only be paid by cashier's check, certified check, money order, or online.

(c) All other fees may be paid by cashier's check, certified check, money order, personal or company check, or online.

(d) All payments shall be made out to the Texas Board of Chiropractic Examiners.

(e) No checks from foreign financial institutions will be accepted.

(f) Any fees paid will first be applied to any outstanding fees, previously assessed costs, or penalties owed to the 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 July 8, 2026.

TRD-202602792
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 305-6706

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22 TAC §72.3

The Texas Board of Chiropractic Examiners (Board) proposes an amendment to 22 TAC §72.3 (Qualifications). This rulemaking action will correct the names of two education accreditation organizations in the current rule. The rule currently identifies the Councils on Chiropractic International and Council on Chiropractic Education International. These names are incorrect. They should ready Council on Chiropractic Education and Councils on Chiropractic Education International.

FISCAL NOTE: The Board's Executive Director, Dr. Boyd Bush, Ed.D., has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government. There will be no adverse effect on small businesses or rural communities, micro-businesses, or local or state employment. There will be no additional economic costs to persons required to comply with the amendments as proposed. An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

PUBLIC BENEFIT -COST NOTE: Dr. Bush has determined that, for each year of the first five years the amended rule will be in effect, the public benefit is to update the accrediting entities for chiropractic schools recognized by the Board.

LOCAL EMPLOYMENT IMPACT STATEMENT: Dr. Bush has determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Dr. Bush has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

The Board provides this Government Growth Impact Statement, pursuant to Texas Government Code §2001.0221, for the proposed amended 22 TAC §72.3. For each year of the first five years the proposed amended rule is in effect, Dr. Bush has determined:

(1) The amended rule does not create or eliminate a government program.

(2) Implementation of the proposed amended rule does not require the creation of new employee positions or the elimination of existing employee positions.

(3) Implementation of the proposed amended rule does not require an increase or decrease in future legislative appropriations to the Board.

(4) The proposed amended rule does not require a decrease or increase in fees paid to the Board.

(5) The proposed amended rule does not create a new regulation.

(6) The proposed amended rule does not repeal existing Board rules for an administrative process.

(7) The proposed amended rule does not decrease the number of individuals subject to the rule's applicability.

(8) The proposed amended rule does not positively or adversely affect the state economy.

This proposed rulemaking will not impact private real property as defined by Texas Government Code §2007.003, so a takings impact assessment under Government Code §2001.043 is not required. Additionally, Government Code §2001.0045 (Requirement for Rule Increasing Costs to Regulated Persons) does not apply to this rulemaking as it will not increase costs to regulated persons.

Comments on the proposed amendments or a request for a public hearing may be submitted to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 North Congress Avenue, Suite 10.500, Austin, Texas 78701-1319, via email: rules@tbce.state.tx.us; or fax: (512) 305-6705, no later than 30 days from the date that these proposed amendments is published in the *Texas Register.* Please include the rule name and number in the subject line of any comments submitted by email.

The amended rule is proposed under Texas Occupations Code §201.152, which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic.

No other statutes or rules are affected by this proposed amended rule.

§72.3. Qualifications.

(a) An individual applying for a chiropractic license shall comply with all application and license requirements in Texas Occupations Code Chapter 201.

(b) An individual, who was admitted to study chiropractic with academic credit from a United States institution, shall submit proof of earning at least 90 credit hours from a nationally accredited institution whose hours are transferrable to the University of Texas at Austin, not including courses included in a doctor of chiropractic degree program.

(c) An individual applying for a license must present proof of graduation from a chiropractic college accredited by an educational accrediting body that is a member of the Council [~~Councils~~] on Chiropractic Education [~~International~~] (CCE) or the Councils [~~Council~~] on Chiropractic Education International (CCEI).

(d) A chiropractic college shall inform each student when admitted the possible limitations of practice location and licensing.

(e) A chiropractic college shall document in each student's file how the student was judged qualified for admission.

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

Filed with the Office of the Secretary of State on July 8, 2026.

TRD-202602793
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 305-6706

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CHAPTER 75. BUSINESS PRACTICES

22 TAC §75.5

The Texas Board of Chiropractic Examiners (Board) proposes amendments to 22 TAC §75.5 (Prepaid Treatment Plans). This

rulemaking action will expand the scope of the current rule to incorporate prepaid care packages, wellness plans, payment plans, membership models, and concierge care models. The amended rule also prescribes the manner in which such financial arrangements and prepaid treatment plans must be documented and communicated to the patient, as well as the ability for the patient to cancel the financial arrangement at any time without penalty.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS: The Board's Executive Director, Dr. Boyd Bush, Ed.D., has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT: Dr. Bush has determined that the proposed rule does not affect local economies and employment. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT-COST NOTE: Dr. Bush has determined that, for each year of the first five years the amended rule will be in effect, the public benefit is to provide clarity as to what financial arrangements and prepaid treatment plans are available to consumers and to provide consumers the ability to cancel such arrangements at any time with no penalty.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Dr. Bush has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT: Dr. Bush has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT: Dr. Bush has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

(1) The amended rule does not create or eliminate a government program.

(2) Implementation of the proposed amended rule does not require the creation of new employee positions or the elimination of existing employee positions.

(3) Implementation of the proposed amended rule does not require an increase or decrease in future legislative appropriations to the Board.

(4) The proposed amended rule does not require a decrease or increase in fees paid to the Board.

(5) The proposed amended rule does not create a new regulation.

(6) The proposed amended rule does not repeal existing Board rules for an administrative process.

(7) The proposed amended rule does not decrease the number of individuals subject to the rule's applicability.

(8) The proposed amended rule does not positively or adversely affect the state economy.

COSTS TO REGULATED PERSONS: Dr. Bush has determined that the rules are not subject to Texas Government Code §2001.0045 as the rules do not impose a cost on regulated persons. In addition, the rules do not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT: Dr. Bush has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT: Comments on the proposed amendments or a request for a public hearing may be submitted to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 North Congress Avenue, Suite 10.500, Austin, Texas 78701-1319, via email: rules@tbce.state.tx.us; or fax: (512) 305-6705, no later than 30 days from the date that these proposed amendments is published in the *Texas Register.* Please include the rule name and number in the subject line of any comments submitted by email.

STATUTORY AUTHORITY: The amended rule is proposed under Texas Occupations Code §201.152, which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic.

CROSS REFERENCE TO STATUTE: No other statutes or rules are affected by this proposed amended rule.

§75.5. Financial Arrangements and Prepayment for Services [~~Prepaid Treatment~~ Plans].

(a) [~~A licensee may accept prepayment for services planned but not yet delivered, but must provide the following:~~]

[~~(1) The plan must be cancellable by either party at any time for any reason without penalty of any kind to the patient.~~]

[~~(2) Upon cancellation of the plan the patient shall receive a complete refund of all fees paid on a pro rata basis of the number of treatments provided compared to total treatments contracted.~~]

[~~(3) The plan must provide for a limited, defined number of visits.~~]

[~~(4) The patient's file must contain the proposed treatment plan, including enumeration of all aspects of evaluation, management, and treatment planned to therapeutically benefit the patient relative to the condition determined to be present and necessitating treatment.~~]

[~~(A) The patient's financial file must contain documents outlining any necessary procedures for refunding unused payment amounts in the event that either the patient or the doctor discharge the other's services or therapeutic association.~~]

[~~(B) The treatment plan in such cases where prepayment is contracted must contain beginning and ending dates and a breakdown of the proposed treatment frequency.~~]

[~~(5) A contract for services and consent of treatment document must be maintained in the patient's file that specifies the condition for which the treatment plan is formulated.~~]

[~~(6)~~] A licensee or other person may offer patients financial arrangements for chiropractic services, including but not limited to prepaid care packages, wellness plans, payment plans, membership

models, or concierge care models, so long as the arrangement complies with all applicable laws and the provisions of this section [~~If nutritional products or other hard goods including braces, supports, or patient aids are to be used during the proposed treatment plan, the patient documents must state whether these items are included in the gross treatment costs or if they constitute a separate and distinct service or fee~~].

(b) All financial arrangements must be voluntary, clearly disclosed, and ethically administered. A licensee or other person may not engage in any deceptive, misleading, or coercive practices related to such arrangements [~~This rule does not create any exemptions from any requirements applicable under the Texas Insurance Code~~].

(c) Each arrangement must be documented in writing and retained in the patient's records. The documentation must clearly include:

(1) A general description of the services offered and terms of the agreement;

(2) The total cost, including payment terms and any discounts applied;

(3) A cancellation policy allowing the patient to cancel at any time, for any reason, without penalty;

(4) Disclosure of whether any tangible goods (e.g., supplements, braces, supports) are included or billed separately.

(d) This rule does not exempt a licensee or other person from compliance with any applicable state or federal laws regarding fraud, abuse, or inducements.

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 July 9, 2026.

TRD-202602821
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 305-6706

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PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 511. ELIGIBILITY

SUBCHAPTER C. EDUCATIONAL REQUIREMENTS

22 TAC §511.57

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.57 concerning Courses in an Accounting Concentration to Take the UCPAE.

Background, Justification and Summary

A typographical error misnamed the reference as a subparagraph when it should have been identified as a paragraph.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will assist the public understanding and locating the material referenced in the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 24, 2026.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the

proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

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

§511.57. Courses in an Accounting Concentration to Take the UCPAE.

(a) To take the UCPAE, a minimum of 12 semester hours of upper level accounting courses, with at least three semester hours from each of paragraphs [~~subparagraphs~~] (1) through (4) of this subsection is required. The courses must meet the board's standards: contain sufficient accounting knowledge and application to be useful to candidates taking the UCPAE; include subject-matter content derived from the UCPAE Blueprint; and must be completed at a board recognized institution of higher education and shown on an official transcript from the institution:

(1) financial accounting and reporting for business organizations or intermediate accounting;

(2) financial statement auditing;

(3) taxation; and

(4) accounting information systems or accounting data analytics.

(b) In addition to subsection (a) of this section, effective through July 31, 2026, a minimum of 9 semester hours in any of the following accounting course content areas is required; effective August 1, 2026, a minimum of 12 semester hours in any of the following accounting course content areas is required:

(1) financial accounting and reporting for business organizations or intermediate accounting;

(2) advanced accounting;

(3) accounting theory;

(4) managerial or cost accounting (excluding introductory level courses);

(5) auditing and attestation services;

(6) internal accounting control and risk assessment;

(7) financial statement analysis;

(8) accounting research and analysis;

(9) taxation (including tax research and analysis);

(10) financial accounting and reporting for governmental and/or other nonprofit entities;

(11) accounting information systems, including management information systems ("MIS"), provided the MIS courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting;

(12) accounting data analytics;

(13) fraud examination;

(14) international accounting and financial reporting;

(15) mergers and acquisitions;

(16) financial planning;

(17) at its discretion, the board may accept up to three semester hours of credit of accounting course work with substantial merit in the context of a career in public accounting, provided the course work is predominantly accounting or auditing in nature but not included in paragraphs (1) - (16) of this subsection. For any course submitted under this provision, the Accounting Faculty Head or Chair must affirm to the board in writing the course's merit and content; and

(18) at its discretion, the board may accept up to three semester credit hours of independent study in accounting selected or designed by the student under faculty supervision. The curriculum for the course shall not repeat the curriculum of another accounting course that the student has completed.

(c) The semester hours from a course that has been repeated will be counted only once toward the required semester hours.

(d) The following types of introductory courses do not meet the accounting course definition in subsections (a) and (b) of this section:

(1) elementary accounting;

(2) principles of accounting;

(3) financial and managerial accounting;

(4) introductory accounting courses; and

(5) accounting software courses.

(e) Any CPA review course offered by an institution of higher education or a proprietary organization shall not be used to meet the accounting course requirement.

(f) CPE courses shall not be used to meet the accounting course requirement.

(g) An ethics course required in §511.58(c) of this chapter (relating to Related Business Subjects) shall not be used to meet the accounting course requirement in subsections (a) and (b) of this section.

(h) Accounting courses completed through an extension school of a board recognized educational institution may be accepted by the board provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

(i) The board may review the content of accounting courses and determine if they meet the requirements of this section.

(j) Credits may not be awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education to meet the requirements of this chapter:

(1) American College Education (ACE);

(2) Prior Learning Assessment (PLA);

(3) Defense Activity for Non-Traditional Education Support (DANTES);

(4) Defense Subject Standardized Test (DSST); and

(5) Straighterline.

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

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J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 305-7848

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CHAPTER 523. CONTINUING PROFESSIONAL EDUCATION

SUBCHAPTER D. STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION PROGRAMS AND RULES FOR SPONSORS

22 TAC §523.147

The Texas State Board of Public Accountancy (Board) proposes an amendment to §523.147 concerning Sponsor Review Program.

Background, Justification and Summary

To maintain the competence of Texas licensees offering accounting services, the Board's Presiding Officer currently appoints three committee members responsible for monitoring Board approved Sponsors offering continuing education to licensees. The Board staff has been administratively monitoring the Sponsor Review Program. By the staff working directly with the sponsors, concerns are addressed immediately and more efficiently. The Sponsor Review Program Committee is no longer necessary.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will be a more efficiently and timely run monitoring program.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 24, 2026.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

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

§523.147. Sponsor Review Program.

(a) A sponsor review program is established for the purpose of monitoring the compliance by board registered CPE sponsors and the courses they offer with the registration requirements, CPE standards and/or applicable board rules. The program shall emphasize high quality education and compliance with professional standards. In the event a sponsor does not comply with the registration requirements, CPE standards, or applicable board rules, the board shall take appropriate action.

~~[(b) The presiding officer shall appoint three members who shall be either board members or advisory members to the Sponsor Review Program Committee (SRPC). The SRPC's duties are to:]~~

~~[(1) monitor the sponsor review program to provide assurance to the CPE committee that the CPE sponsors are being reviewed~~

and that the reviews are conducted and reported in accordance with established CPE program standards;]

[(2) serve as mediators between the reviewers and sponsors whose courses are being reviewed; and]

[(3) report to the CPE committee as requested and make recommendations as appropriate.]

(b) [(c)] The board shall contract with qualified persons selected by the CPE committee to review the courses of sponsors ("reviewers"). The board will compensate reviewers from revenue received from sponsors' registration fees.

(1) If the reviewer is a CPA, the reviewer must be in good standing with the licensing board.

(2) A reviewer must recuse himself from service if the reviewer has an interest in the sponsoring organization under review or if the reviewer believes he cannot be impartial or objective.

(3) A reviewer may not concurrently serve as a member of the board or one of its committees.

(c) [(d)] The reviewers shall:

(1) assess board-registered sponsors of CPE to provide reasonable assurance that quality CPE is being offered in accordance with registration requirement, CPE standards, or applicable board rules;

(2) review the policies and procedures of board registered CPE sponsors as to their conformity with the rules;

(3) when necessary, prescribe actions designed to assure correction of the deficiencies in the program or CPE.[;]

[(4) report to the SRPC as required:]

[(A) problems experienced with sponsor compliance; and]

[(B) problems experienced in the implementation of the review program.]

(d) [(e)] The procedures used by the reviewers in monitoring of sponsors of CPE may include, but not be limited to:

(1) random visits of sponsors as deemed appropriate, and review of course materials;

(2) meetings with the sponsor;

(3) reviewing educational materials and record keeping documents;

(4) reviewing the sponsor's educational philosophy;

(5) reviewing, on the basis of a random selection, the course evaluations from licensees to determine whether the materials have received adverse comments;

(6) expanding the review of records if significant deficiencies, problems, or inconsistencies are encountered during the review of the materials; and

(7) determining that courses offered by board-registered CPE sponsors comply with all applicable board rules including §523.102 of this chapter (relating to CPE Purpose and Definitions) and this subchapter and provide that:

(A) educational content meets the course objectives;

(B) course material is up-to-date and relevant; and

(C) adequate documentation procedures are in place;

(8) other procedures as deemed necessary by the board so that the CPE sponsor is in compliance with the registration requirements, CPE standards and applicable board 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.

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J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
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TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 13. HEALTH PLANNING AND RESOURCE DEVELOPMENT

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes amendments to §13.11, concerning Purpose and Scope; §13.13, concerning Definitions; §13.18, concerning Noncompliance with Reporting Requirements; §13.19, concerning Confidential Data; §13.51, concerning Purpose and Scope; and §13.85, concerning Award Criteria and Selection for Funding.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement part of House Bill (HB) 3801, 89th Legislature, Regular Session, 2025, that repealed Texas Health and Safety Code (HSC) Chapter 104 and abolished the Statewide Health Coordinating Council (SHCC) and the nursing advisory committee (NAC) of that council effective September 1, 2025. The proposed amendments remove references to those topics from 25 Texas Administrative Code (TAC) Chapter 13.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §13.11, Purpose and Scope, removes references to HSC Chapter 104 and incorporates plain language to improve readability.

The proposed amendment to §13.13, Definitions, removes references to HSC Chapter 104 and incorporates plain language to improve readability where applicable without changing definitions set in statute.

The proposed amendment to §13.18, Noncompliance with Reporting Requirements, removes references to HSC Chapter 104 and incorporates plain language to improve readability and clarity of the process to notify entities of noncompliance with reporting requirements.

The proposed amendment to §13.19, Confidential Data, removes references to HSC Chapter 104 and incorporates plain language to improve readability.

The proposed amendment to §13.51, Purpose and Scope, removes references to HSC Chapter 104 and incorporates plain language to improve readability.

The proposed amendment to §13.85, Award Criteria and Selection for Funding, removes references to the NAC and HSC §104.0155, and incorporates plain language to improve readability.

FISCAL NOTE

Christy Havel Burton, 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

DSHS 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 DSHS 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 DSHS;

(5) the proposed rules will not create a new regulation;

(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

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules do not apply to small or 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 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

Dr. Varun Shetty, Chief State Epidemiologist, has determined that for each year of the first five years the rules are in effect, the public benefit will be an improved consistency between legislative changes brought forth by the passing of HB 3801 89th Legislature, Regular Session, 2025, and the TAC.

Christy Havel Burton 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 the proposed amendments to the rules are merely removing references to HSC Chapter 104, the SHCC, and the NAC of the SHCC.

TAKINGS IMPACT ASSESSMENT

DSHS 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 rules, 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 26R042" in the subject line.

SUBCHAPTER B. DATA COLLECTION

25 TAC §§13.11, 13.13, 13.18, 13.19

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which provide that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001, HSC §105.005, and Acts 2025, 89th Leg., AS, Oh. 636 (HA 3801), Sect. 11(2), 11(3) off. September 1, 2025.

The amendments affect Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 1001, 105, and §105.011.

§13.11. Purpose and Scope.

(a) The purpose of [~~the sections in~~] this subchapter is to implement the requirements of Texas [~~Health and Safety Code, Chapter 104, Subchapter D, which requires the department to adopt rules covering the collection of data from health care facilities, such as hospitals, and the dissemination of data to facilitate health planning and resource development;~~] Health and Safety Code (HSC)[~~,~~] Chapter 311, Subchapters C and D. The statutes address [~~concerning~~] the collection and reporting of hospital financial and utilization data and also include requirements for reporting [~~including data regarding the provision of~~] levels of charity care provided by certain nonprofit hospitals[~~,~~] and the submission of an annual report of a community benefits plan by certain nonprofit hospitals.

(b) The scope of this subchapter is to describe the criteria and procedures [~~which~~] the department uses to collect, distribute, and report required data [~~will use in implementing data collection, dissemination, and reporting requirements~~]. This subchapter applies to [~~will cover the collection and dissemination of data from the~~] public or private hospitals that are licensed as [~~included in the definition of the~~

~~term "health care facilities" in the Health and Safety Code, Chapter 104, Subchapter A. The remaining entities included in the definition of the term "health care facilities" are not covered by this subchapter. If data covered by this subchapter will be collected from a public or private hospital that is~~] a general or special hospital [~~licensed~~] under HSC [~~the Health and Safety Code,~~] Chapter 241; a private mental hospital [~~licensed~~] under HSC [~~the Health and Safety Code,~~] Chapter 577; or a treatment facility [~~licensed~~] under HSC [~~the Health and Safety Code,~~] Chapter 464. The [~~, the~~] data is [~~will be~~] collected under authority of, and in compliance with, HSC Chapter [~~the requirements of the Health and Safety Code, Chapters 104 and~~] 311.

§13.13. Definitions.

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

[~~(1) Chapter 104--Provisions relating to the data collection responsibilities of the Department of State Health Services as the state health planning and development agency found within the Health and Safety Code, Title 2.~~]

(1) [~~(2)~~] Chapter 311--Relates [~~Provisions relating~~] to the powers and duties of hospitals found within Texas [~~the~~] Health and Safety Code (HSC)[~~,~~] Title 4.

(2) [~~(3)~~] Charity care--The unreimbursed cost to a hospital of:

(A) providing, funding, or otherwise financially supporting health care services on an inpatient or outpatient basis to a person classified by the hospital as financially or medically indigent; and/or

(B) providing, funding, or otherwise financially supporting health care services provided to financially indigent persons through other nonprofit or public outpatient clinics, hospitals, or health care organizations.

(3) [~~(4)~~] Community benefits--The unreimbursed cost to a hospital of providing charity care, government-sponsored indigent health care, donations, education, government-sponsored program services, research, and subsidized health services. Community benefits do not include the cost to the hospital of paying any taxes or other governmental assessments.

(4) [~~(5)~~] Department--The Texas Department of State Health Services.

(5) [~~(6)~~] Donations--The unreimbursed costs of providing cash and in-kind services and gifts, including facilities, equipment, personnel, and programs, to other nonprofit or public outpatient clinics, hospitals, or health care organizations.

(6) [~~(7)~~] Education-related cost--The unreimbursed cost to a hospital of providing, funding, or otherwise financially supporting educational benefits, services, and programs, including:

(A) education of medical professionals and health care providers;

(B) scholarships and funding to medical schools, colleges, and universities for health professions education;

(C) education of patients concerning diseases and home care in response to community needs; and

(D) community health education through informational programs, publications, and outreach activities in response to community needs.

(7) [~~(8)~~] Financially indigent--An uninsured or underinsured person who is accepted for care with no obligation or a discounted obligation to pay for the services rendered based on the hospital's eligibility system.

(8) [~~(9)~~] Government-sponsored [~~Government sponsored~~] indigent health care--The unreimbursed cost to a hospital of providing health care services to recipients of Medicaid and other federal, state, or local indigent health care programs, eligibility for which is based on financial need.

(9) [~~(10)~~] Government-sponsored program unreimbursed costs--The unreimbursed cost to the hospital of providing health care services to the beneficiaries of Medicare, the Civilian Health and Medical Program of the Uniformed Services, and other federal, state, or local government health care programs.

(10) [~~(11)~~] Health care facility--Regardless of ownership, a public or private hospital, skilled nursing facility, intermediate care facility, ambulatory surgical facility, family planning clinic that [~~which~~] performs ambulatory surgical procedures, rural health initiative clinic, urban health initiative clinic, kidney disease treatment facility, inpatient rehabilitation facility, and other facilities as defined by federal law. This definition[~~, but~~] does not include an [~~the~~] office of physicians or practitioners of the healing arts, singly or in groups, in the conduct of their profession.

(11) [~~(12)~~] Health care organization--A nonprofit or public organization that provides, funds, or otherwise financially supports health care services provided to financially indigent persons.

(12) [~~(13)~~] Hospital--A general or special hospital licensed under HSC [~~the Health and Safety Code,~~] Chapter 241; a private mental hospital licensed under HSC [~~the Health and Safety Code,~~] Chapter 577; and a treatment facility licensed under HSC [~~the Health and Safety Code,~~] Chapter 464.

(13) [~~(14)~~] Hospital eligibility system--The financial criteria and procedure used by a hospital to determine if a patient is eligible for charity care. The system shall include income levels and means testing indexed to the federal poverty guidelines; provided, however, that a hospital may not establish an eligibility system that [~~which~~] sets the income level eligible for charity care lower than that required by counties under HSC §61.023 or higher, in the case of the financially indigent, than 200% of the federal poverty guidelines. A hospital may determine that a person is financially or medically indigent pursuant to the hospital's eligibility system after health care services are provided.

(14) [~~(15)~~] Hospital system--A system of local nonprofit hospitals under the common governance of a single corporate parent that are located within a radius of not more than 125 linear miles of the corporate parent.

(15) [~~(16)~~] Medically indigent--A person whose medical or hospital bills after payment by third-party payors exceed a specified percentage of the patient's annual gross income, determined in accordance with the hospital's eligibility system, and the person is financially unable to pay the remaining bill.

(16) [~~(17)~~] Net patient revenue--An accounting term [~~that shall be~~] calculated in accordance with generally accepted accounting principles for hospitals.

(17) [~~(18)~~] Nonprofit hospital--

(A) A hospital that is organized as a nonprofit corporation or a charitable trust under the laws of this state or any other state or country and is:

(i) eligible for tax-exempt bond financing; or

(ii) exempt from state franchise, sales, ad valorem, or other state or local taxes. [~~For purposes of determining whether a hospital is "organized" as a nonprofit corporation or charitable trust, the department will look at the entity which holds the hospital license issued by the department; that is the entity which must be organized as a nonprofit corporation or charitable trust.~~]

(B) A "nonprofit hospital" shall not include a hospital that:

(i) is exempt from state franchise, sales, ad valorem, or other state or local taxes;

(ii) does not receive payment for providing health care services to any inpatients or outpatients from any source, including[~~, but not limited to,~~] the patient or any person legally obligated to support the patient, third-party payers, Medicare, Medicaid, or any other federal, state, or local indigent care program; payment for providing health care services does not include charitable donations, legacies, bequests, or grants or payments for research; and

(iii) does not discriminate on the basis of inability to pay, race, color, creed, religion, or sex [~~gender~~] in its provision of services.

(C) A "nonprofit hospital" does not include a hospital that is located in a county with a population under 50,000 where the entire county or the population of the entire county has been designated as a health professional shortage area. A "nonprofit hospital" includes a hospital that is located in a county with a population under 50,000 population where only a subpopulation, partial geographic area or a facility is designated as a health professional shortage area.

(18) [~~(19)~~] Patient data--Information derived from individual, acute care, inpatient, and outpatient discharge abstract records.

(19) [~~(20)~~] Subsidized health services--Services provided by a hospital in response to community needs for which the reimbursement is less than the hospital's cost for providing the services and which must be subsidized by other hospital or nonprofit supporting entity revenue sources. Subsidized health services include[~~, but are not limited to,~~] emergency and trauma care, neonatal intensive care, freestanding community clinics, and collaborative efforts with local government or private agencies in preventive medicine.

(20) [~~(21)~~] Survey--The annual data collection [~~effort~~] conducted by the department to implement the provisions of Texas Health and Safety Code Chapter[~~, Chapters 104 and~~] 311.

(21) [~~(22)~~] Tax-exempt [~~Tax exempt~~] benefits--All of the following, calculated in accordance with standard accounting principles for hospitals for tax purposes using the applicable statutes, rules, and regulations regarding the calculation of these taxes:

(A) the dollar amount of federal, state, and local taxes, including income, franchise, ad valorem, and sales taxes, foregone by a nonprofit hospital and its nonprofit supporting entities[~~. For purposes of this definition federal, state, and local taxes include income, franchise, ad valorem, and sales taxes~~];

(B) the dollar amount of contributions received by a nonprofit hospital and its nonprofit supporting entities; and

(C) the value of tax-exempt bond financing received by a nonprofit hospital and its nonprofit supporting entities.

(22) [~~(23)~~] Unreimbursed costs--The costs a hospital incurs for providing services after subtracting payments received from any source for such services, including [~~but not limited to the following~~]: third-party insurance payments; Medicare payments; Medicaid payments; Medicare education reimbursements; state reimbursements for education; payments from drug companies to pursue research; grant funds for research; and disproportionate share payments. For purposes of this definition, the term "costs" shall be calculated by applying the cost to charge ratios derived in accordance with generally accepted accounting principles for hospitals to billed charges. The calculation of the cost to charge ratios shall be based on the most recently completed and audited prior fiscal year of the hospital or hospital system. For purposes of this definition, charitable contributions and grants to a hospital, including transfers from endowment or other funds controlled by the hospital or its nonprofit supporting entities, shall not be subtracted from the costs of providing services for purposes of determining the unreimbursed costs of charity care and government-sponsored indigent health care.

§13.18. Noncompliance with Reporting Requirements.

(a) Reporting of data through [~~on~~] the online survey form for the Annual Survey of Hospitals (ASH).

(1) A hospital that does not complete and submit the online survey form to the department within the 60-day reporting period and according to §13.15 of this subchapter (relating to Survey Forms and Methods of Reporting Data), will be notified of non-compliance in writing by certified mail with return receipt.

[~~(1) If a hospital does not submit the completed online survey form to the Department of State Health Services (department) within the 60-day reporting period and in accordance with §13.15 of this title (relating to Survey Forms and Methods of Reporting Data), the department may institute the following procedures.~~]

[~~(A) The department will notify the entity in writing by certified mail, with return receipt requested, that the entity is in noncompliance with department reporting requirements and may be in violation of the Health and Safety Code, Chapter 104. The written notification will also state that the commissioner may request that the attorney general institute and conduct a suit in the name of the state to recover civil penalties if the hospital fails to submit the requested data to the department within 30 days of the date the entity received the notification letter.~~]

(2) [~~(B)~~] If the entity [~~department~~] does not send [~~receive~~] the requested data [~~from the non-responding hospital~~] within 30 days of receiving the certified mail [~~the specified time frame~~], the commissioner may notify the attorney general in writing that [~~of~~] the entity is in [~~entity's~~] noncompliance, providing[~~. The department will send~~] a copy of the [~~written~~] notification to the entity [~~hospital~~].

[~~(2) A hospital that does not timely submit requested data to the department according to the requirements and procedures established in these sections is subject to a civil penalty of not more than $500 for each day of noncompliance, under the provisions of Health and Safety Code, Chapter 104.~~]

(b) Report of the Community Benefit Plan (CBP) [~~and the online Annual Statement of Community Benefits Standard (ASCBS)~~].

[~~(1)~~] A nonprofit hospital or hospital system that does not [~~timely~~] submit a CBP report, as described in Texas Health and Safety Code §311.046, to the department by April 30 of each year, may be assessed a civil penalty up to $1,000 each day for which the report is delinquent. The department notifies the entity of noncompliance by certified mail, with return receipt. No penalty may be assessed against a hospital until 10 business days after the written notification to the hospital of its failure to file a report. The commissioner notifies the attorney general in writing of noncompliant entities, providing a copy of the notification to the entity [~~to the Department of State Health Services (department) according to the requirements and procedures established in these sections is subject to a civil penalty of not more than $1,000 for~~

each day of noncompliance, under the provisions of Health and Safety Code, Chapter 311].

[(2) If a nonprofit hospital or hospital system does not submit a CBP report to the department within the reporting period established in §13.17 of this title (relating to Duties of Nonprofit Hospitals under Health and Safety Code, Chapter 311), the department may institute the following procedures.]

[(A) The department will notify the entity in writing by certified mail, return receipt requested, that the entity is in noncompliance with department reporting requirements and may be in violation of the Health and Safety Code, Chapter 311. The written notification will also state that the commissioner may request that the attorney general institute and conduct a suit in the name of the state to recover civil penalties if the hospital or hospital system fails to submit the report to the department within ten days after receipt of the written notification letter.]

[(B) If the department does not receive the CBP report from the non-responding hospital or hospital system within the specified time frame, the commissioner may notify the attorney general in writing of the entity's noncompliance. The department will send a copy of the written notification to the hospital or hospital system.]

§13.19. Confidential Data.

[(a)] The following data received by the department [Department of State Health Services (department)] from a hospital is confidential under authority of Texas [the] Health and Safety Code Chapter[, Chapters 104 and] 311:

(1) information relating to a specific patient; and

(2) financial information about [relating to] a provider or hospital that was submitted before [prior to] September 1, 1987. Financial information about [All financial data regarding] a provider or facility submitted on or after September 1, 1987, is not [are no longer] confidential.

[(b) The department will establish appropriate internal controls to maintain confidentiality of patient level data.]

[(c) The department will disclose confidential patient information to a third party only upon receipt of appropriate written consent of the patient.]

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 July 10, 2026.

TRD-202602831
Cynthia Hernandez
General Counsel
Department of State Health Services
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For further information, please call: (512) 696-3881

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SUBCHAPTER E. DATA COLLECTION

25 TAC §13.51

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which provide that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001, HSC §105.005, and Acts 2025, 89th Leg., R.S., Ch. 636 (H.B. 3801), Secs. 11(2), 11(3) eff. September 1, 2025.

The amendment affects Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 1001, 105, and §105.011.

§13.51. Purpose and Scope.

(a) The purpose of [the sections in] this subchapter is to implement Texas Health and Safety Code Chapter[, Chapters 104 and] 105, that provides rulemaking authority to the department[,] through the executive commissioner of the Health and Human Services Commission. This authority applies to[, rulemaking authority covering] the collection of data by [the Statewide Health Coordinating Council and] the Health Professions Resource Center.

(b) The scope of this subchapter is to describe the criteria and procedures for [which the department uses in implementing] data collection requirements of the relevant members of the Health Professions Council.

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

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SUBCHAPTER G. WORKPLACE VIOLENCE AGAINST NURSES PREVENTION GRANT PROGRAM

25 TAC §13.85

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which provide that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001, HSC §105.005, and Acts 2025, 89th Leg., R.S., Ch. 636 (H.B. 3801), Secs. 11(2), 11(3) eff. September 1, 2025.

The amendment affects Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 1001, 105, and §105.011.

§13.85. Award Criteria and Selection for Funding.

(a) The department selects [will select] applicants for funding on a competitive basis.

(b) The department [will] only considers [consider] applicants that meet all requirements of the solicitation.

(c) A workgroup determined by the nursing resource section established under Texas Health and Safety Code §105.002, reviews and scores [taskforce assigned by the Nursing Advisory Committee, defined by Texas Health and Safety Code §104.0155, will review and

~~score~~] proposals. The workgroup provides [~~taskforce will provide~~] recommendations for grant awards to the department.

(d) Each application must:

(1) provide a detailed explanation of the applicant's workplace violence prevention program, including:

(A) a development and implementation timeline;

(B) a description of the population identified to participate in the program;

(C) a detailed budget; and

(D) a description of the program's administration and support;

(2) describe how the workplace violence prevention program will reduce verbal and physical violence against nurses in the applicant's health care facility; and

(3) propose performance metrics to measure program outcomes, including changes in the severity and frequency of verbal and physical violence against nurses.

(e) Each solicitation defines [~~will define~~] the priority criteria for selection.

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 July 10, 2026.

TRD-202602833
Cynthia Hernandez
General Counsel
Department of State Health Services
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 696-3881

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PART 6. STATEWIDE HEALTH COORDINATING COUNCIL

CHAPTER 571. HEALTH PLANNING AND RESOURCE DEVELOPMENT
SUBCHAPTER A. STATEWIDE HEALTH COORDINATING COUNCIL

25 TAC §571.1, §571.2

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes the repeal of §571.1, concerning General Provisions, and §571.2, concerning State Health Plan and Plan Implementation.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement part of House Bill (HB) 3801, 89th Legislature, Regular Session, 2025, that repealed Texas Health and Safety Code (HSC) Chapter 104 and abolished the Statewide Health Coordinating Council (SHCC) effective September 1, 2025. This proposal removes unnecessary rules from 25 Texas Administrative Code (TAC) Part 6, Statewide Health Coordinating Council, consisting of Chapter 571, Subchapter A, §571.1 and §571.2.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §571.1 and §571.2 deletes the rules as they are no longer necessary.

FISCAL NOTE

Christy Havel Burton, 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

DSHS 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 DSHS 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 DSHS;

(5) the proposed rules will not create a new regulation;

(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

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules do not apply to small or 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 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

Dr. Varun Shetty, Chief State Epidemiologist, has determined that for each year of the first five years the rules are in effect, the public benefit will be removal of unnecessary rules from the TAC brought forth by the passing of HB 3801 89th Legislature, Regular Session, 2025.

Christy Havel Burton 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 the rules are being repealed.

TAKINGS IMPACT ASSESSMENT

DSHS has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise ex-

ist 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 rules, 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 26R042" in the subject line.

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which provide that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001 and Acts 2025, 89th Leg., R.S., Ch. 636 (H.B. 3801), Sec. 11(1), eff. September 1, 2025.

The repeals affect Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 1001, 105, and §105.011.

§571.1. General Provisions.

§571.2. State Health Plan and Plan Implementation.

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 July 10, 2026.

TRD-202602836
Cynthia Hernandez
General Counsel
Statewide Health Coordinating Council
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 696-3881

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 505. HOSPITAL LICENSING

SUBCHAPTER B. HOSPITAL LICENSE

26 TAC §505.27

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §505.27, concerning Mobile Stroke Units.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (HB) 4743, 89th Legislature, Regular Session, 2025. HB 4743 amended Texas Health and Safety Code (THSC) §241.023 to allow a general or special hospital license to include a mobile stroke unit (MSU).

The proposed rule outlines requirements for MSUs to exist as a part of a licensed hospital and specifies which existing licensing rules do not apply to MSUs. The proposed rule improves consistency between hospital licensing rules and THSC §241.023.

SECTION-BY-SECTION SUMMARY

Proposed new §505.27 outlines requirements for MSUs that: (1) allows HHSC to include an MSU in a hospital's license; (2) specifies the guidelines for a hospital to apply to add an MSU to its license; (3) provides requirements to apply for a renewal license; (4) outlines necessary actions if a hospital or MSU no longer meet the requirements; (5) exempts MSUs from certain existing licensing rules; and (6) allows HHSC to conduct inspections for MSUs.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule 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 rule will be in effect:

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

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulations;

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

(8) the proposed rule will not affect the state's economy.

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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas, is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule, and the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

David Kostroun, Chief Regulatory Services Officer, has determined that for each year of the first five years the rule is in effect, the public benefit will be increased access to care for the public because of allowing a general or special hospital license to include a mobile stroke unit.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the rule is codifying current practices as required by statute.

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 26R049" in the subject line.

STATUTORY AUTHORITY

The 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, and THSC §241.026, which requires HHSC to develop, establish, and enforce standards for the construction, maintenance, and operation of licensed hospitals.

The new section implements Texas Government Code §524.0151 and THSC §241.026.

§505.27. Mobile Stroke Units.

(a) In this section, a mobile stroke unit (MSU) means a specialized vehicle authorized by the Texas Department of State Health Services (DSHS) for an emergency medical services (EMS) provider licensed under Title 25 Texas Administrative Code (TAC) §157.11 (relating to Requirements for an Emergency Medical Services (EMS) Provider License), that is:

(1) equipped with a computed tomography (CT) scanner; and

(2) staffed by personnel capable of diagnosing and treating a stroke patient on-site as authorized by the EMS provider's medical director.

(b) The Texas Health and Human Services Commission (HHSC) includes an MSU in a hospital's license under Texas Health and Safety Code §241.023(c-1)(2) if:

(1) the hospital has a Level I, II, or III stroke designation from DSHS under 25 TAC §157.133 (relating to Requirements for Stroke Facility Designation);

(2) the MSU is accredited by a health care accreditation organization approved by the Centers for Medicare & Medicaid Services; and

(3) the hospital submits an application as specified in subsection (c) of this section.

(c) To apply to include an MSU in its license, a hospital shall submit the following to HHSC:

(1) a completed application form for adding an MSU to a hospital license as provided on the HHSC website;

(2) a current copy of the EMS provider license for the MSU the hospital is seeking to add to its hospital license;

(3) a current copy of the hospital's stroke designation certificate;

(4) a current copy of the MSU's letter or certificate of accreditation from an approved health care accreditation organization; and

(5) any additional information requested by HHSC.

(d) For renewal of a hospital license that includes an MSU, a hospital shall submit a license renewal application to HHSC and include:

(1) a current copy of the EMS provider license for the MSU the hospital is seeking to keep under its hospital license;

(2) a current copy of the hospital's stroke designation certificate;

(3) a current copy of the MSU's letter or certificate of accreditation from an approved healthcare accreditation organization; and

(4) any additional information requested by HHSC.

(e) The hospital shall immediately notify HHSC in writing if:

(1) the hospital loses its Level I, II, or III stroke designation from DSHS under 25 TAC §157.133; or

(2) the MSU is no longer accredited by a health care accreditation organization approved by the Centers for Medicare & Medicaid Services.

(f) If the hospital or MSU no longer meets a requirement in paragraph (b)(1) or (b)(2) of this section, or both:

(1) the hospital shall provide documentation of unmet requirements to DSHS and HHSC within 30 days and include:

(A) a plan for selling, transferring, or decommissioning the MSU; or

(B) a statement of intent to reapply for licensure of the MSU and a plan to remedy noncompliance;

(2) HHSC removes the MSU from the hospital's license; and

(3) the MSU may not operate under the hospital's license.

(g) The MSU is exempt from the following requirements:

(1) hospital license display under §505.21(d) of this chapter (relating to General); and

(2) CT room requirements under §505.163(l) of this chapter (relating to Spatial Requirements for New Construction).

(h) HHSC may inspect an MSU as specified in §505.102 of this chapter (relating to Inspections), including before adding an MSU to a hospital license.

(i) To the extent this section may conflict with a requirement in §505.21(c) of this subchapter, this section prevails.

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 July 8, 2026.

TRD-202602791
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 834-4591

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CHAPTER 509. FREESTANDING EMERGENCY MEDICAL CARE FACILITIES SUBCHAPTER C. OPERATIONAL REQUIREMENTS

26 TAC §509.45

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §509.45, concerning Medical Staff.

BACKGROUND AND PURPOSE

In a freestanding emergency medical care (FEMC) facility licensed by HHSC, a physician must have at least one year of experience in emergency services, and current certification in advanced cardiac life support (ACLS), pediatric advanced life support (PALS), and advanced trauma life support (ATLS) to have medical staff privileges in the facility.

HHSC proposes to amend §509.45 to allow an FEMC facility to give medical staff privileges to physicians who are currently board certified in emergency medicine from the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) with the required experience and without requiring current certification in ACLS, PALS, and ATLS. The proposal is in response to requests from providers, and because HHSC determined that emergency medicine board certification from the ABEM or AOBEM ensures a physician has the required knowledge and skills related to emergency life support without having additional life support certifications.

The proposed amendment addresses concerns from providers and physicians that additional certifications for board certified emergency room physicians creates an additional regulatory hardship for FEMC facilities.

Additionally, the proposed amendment contains requirements for a physician with an expired ABEM or AOBEM board certification to be granted medical staff privileges in an FEMC facility.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §509.45 adds new subsection (e) to move the current requirements in subsection (d)(5) for a physician to have medical staff privileges in an FEMC facility.

The proposed amendment adds new subsection (f) to allow an FEMC facility to grant medical staff privileges to a physician with at least one year of experience in emergency services and current board certified in emergency medicine from the ABEM or AOBEM without having the certifications required in proposed subsection (e).

The proposed amendment adds new subsection (g) that contains the requirements for a physician with an expired ABEM or AOBEM board certification and at least one year of experience in emergency services to be granted medical staff privileges in an FEMC facility.

The proposed amendment in subsection (a), subsection (c)(4) and (5), and subsection (d) makes minor edits to improve the clarity and meaning of these rules.

FISCAL NOTE

Victoria Grady, HHSC Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule 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 rule will be in effect

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

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will create new regulations;

(6) the proposed rule will limit existing regulations;

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

(8) the proposed rule will not affect the state's economy.

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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas; does not impose a cost on regulated persons; and is amended to reduce the burden or responsibilities imposed on regulated persons by the rule.

PUBLIC BENEFIT AND COSTS

David Kostroun, Chief Regulatory Services Officer, has determined that for each year of the first five years the rule is in effect, the public will benefit from a rule that allows more physicians with the requisite knowledge and skills to be granted privileges in a FEMC facility. The FEMC facilities will benefit from a rule that increases the number of physicians who qualify for medical staff privileges.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because there are no requirements to alter current business practices and there are no new fees or costs.

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 26R056" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of health and human services by the health and human services system, and Texas Health and Safety Code (HSC) §254.101, which authorizes HHSC to adopt rules regarding freestanding emergency medical care facilities.

The amendment implements Texas Government Code §524.0151 and HSC §254.101.

§509.45. Medical Staff.

(a) The medical staff shall periodically conduct appraisals of its medical staff members according to medical staff bylaws.

(b) The medical staff shall examine credentials of candidates for medical staff membership and make recommendations to the governing body on the appointment of the candidate.

(c) The medical staff shall be well-organized and accountable to the governing body for the quality of the medical care provided to patients.

(1) The medical staff shall be organized in a manner approved by the governing body.

(2) If the medical staff has an executive committee, the members of the committee shall be doctors of medicine or osteopathy.

(3) The facility shall maintain records of medical staff meetings.

(4) The governing body shall assign responsibility for the organization and conduct of the medical staff only to an individual physician.

(5) Each medical staff member shall sign a statement signifying the member [~~they~~] will abide by medical staff and facility policies.

(d) The medical staff shall adopt, implement, and enforce written bylaws, rules, and regulations that outline the responsibilities of the medical staff [~~to carry out its responsibilities~~]. The bylaws shall:

(1) be approved by the governing body;

(2) include a statement of the duties and privileges of each category of medical staff (e.g., active, courtesy, consultant);

(3) describe the organization of the medical staff;

(4) describe the qualifications a candidate must meet for the medical staff to recommend the governing body appoint the candidate; and

(5) include criteria for determining the privileges to be granted and a procedure for applying the criteria to individuals requesting privileges. [~~To be privileged, a physician must have at least one year of experience in emergency services, and current certification in advanced cardiac life support, pediatric advanced life support, and advanced trauma life support.~~]

(e) To have medical staff privileges, a physician must have at least one year of experience in emergency services, and current certification in:

(1) advanced cardiac life support;

(2) pediatric advanced life support; and

(3) advanced trauma life support.

(f) A physician with at least one year of experience in emergency services and current board certification in emergency medicine from the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) may be granted privileges without having the certifications required in subsection (e) of this section.

(g) If a physician with at least one year of experience in emergency services has an expired board certification in emergency medicine from the ABEM or AOBEM, the physician shall not be granted privileges until the physician has:

(1) current board certification in emergency medicine from the ABEM or AOBEM; or

(2) the current certifications listed in subsection (e) of 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 July 8, 2026.

TRD-202602790
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 23, 2026
For further information, please call: (512) 834-4591

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TITLE 34. PUBLIC FINANCE

PART 4. EMPLOYEES RETIREMENT SYSTEM OF TEXAS

CHAPTER 63. BOARD OF TRUSTEES

34 TAC §63.9, §63.13

The Employees Retirement System of Texas (ERS) proposes amendments to 34 Texas Administrative Code (TAC) Chapter 63, concerning Board of Trustees, by amending §63.9 (Officers) and §63.13 (Committees).

ERS administers a constitutional trust fund and was established by the Texas Constitution, as currently set forth in Tex. Const. art. XVI, §67, and further organized pursuant to Title 8, Tex. Gov't Code, as well as 34 Texas Administrative Code, §§61.1 *et seq.*

Amendments are proposed for §63.9 and §63.13 in order to reduce the number of officer positions for the ERS Board of Trustees. Currently, three of the Board's six members serve as officers, and one of the officers (the Vice Chair) rarely performs any duties. If the amendments are adopted, the Chair of the Board and the Chair of the Internal Audit Committee will be the only officer positions, with the Chair of the Internal Audit Committee acting as the presiding member in the Board Chair's absence.

GOVERNMENT GROWTH IMPACT STATEMENT

ERS has determined that during the first five-year period the amended rules will be in effect:

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

(2) implementation of the proposed amendments will not require the creation of new employee positions or eliminate existing employee positions;

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

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

(5) the proposed amendments will not create a new rule or regulation;

(6) the proposed amendments will not expand, limit, or repeal an existing rule or regulation;

(7) the proposed amendments will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the proposed amendments will not positively or adversely affect the state's economy.

Ms. Jennifer Chambers, Deputy Executive Director, has determined that for the first five-year period the amended rules are in effect, there will be no fiscal implication for state or local government or local economies as a result of enforcing or administering the rules; and small businesses, micro-businesses, and rural communities will not be affected.

The proposed amendments do not constitute a taking. Ms. Chambers has also determined that, to her knowledge, there are no known anticipated economic effects for persons who are required to comply with the amendments as proposed, and the proposed amendments do not impose a cost on regulated persons.

Ms. Chambers also determined that for each year of the first five years the amended rules are in effect, the public benefit anticipated as a result of adopting and complying with the rules would be that the organizational structure of the Board would better reflect the Board's small size. Because agency staff are responsible for the duties typically assigned to a board's secretary and treasurer, the Board does not need more than two officers.

Comments on the proposed amendments may be submitted to Cynthia C. Hamilton, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at *General.Counsel@ers.texas.gov*. The deadline for receiving comments is Monday, August 24, 2026, at 10:00 a.m.

The amendments are proposed under Tex. Gov't Code §815.102, which provides authorization for the ERS Board of Trustees to adopt rules necessary for the administration of the funds of the retirement system and regarding the transaction of any other business of the Board.

No other statutes are affected by the proposed amendments.

§63.9. Officers.

At the last regularly scheduled board meeting each year, the board shall elect a chair [~~and vice chair~~] who shall take office the following September 1. The chair or the internal audit committee [~~vice~~] chair, in the chair's absence, shall preside at meetings of the board.

§63.13. Committees.

The internal audit committee shall be considered a standing committee, and members, including a committee chair, shall be appointed by the board chair at the beginning of each year. The board chair shall designate additional ad hoc committees as necessary. The term of an ad hoc committee shall be for the year in which the ad hoc committee is appointed or until the work of the ad hoc committee is completed if within the year.

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 July 13, 2026.

TRD-202602861

Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Earliest possible date of adoption: August 23, 2026
For further information, please call: (877) 275-4377

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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 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.2

The Texas Department of Housing and Community Affairs (the Department) adopts the amendment of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2 Department Complaint Process, with non-substantive changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3477). The rule will be republished. The rule relates to how complaints may be filed with the Department. The purpose of the amendment is to remove reference to submitting complaints via fax.

Tex. Gov't Code §2001.0045(b) does not apply to the rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

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

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

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

1. The amended section does not create or eliminate a government program but relates to the process to be used for persons wishing to file a complaint with the Department.

2. The amended section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

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

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

5. The amended section does not create a new regulation.

6. The amended section will not expand nor contract an existing regulation.

7. The amended section will not increase or decrease the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of the amended section would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the amended section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended section is in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department accepted public comment on the amendment from February 20, 2026, to March 22, 2026. One comment was received from Texas Housers.

§1.2(b)(2) Definition of Complaint

Commenter opposes the removal of the option to fax a complaint. They suggest that as long as TDHCA still has a working fax machine, this option should remain in the rule. More methods of submitting a complaint are better. Complainants using this method are likely low income and have no or infrequent internet access. Submitting complaints over the phone is only available

as a reasonable accommodation and fax is faster than submission via mail.

Department Response: The Department does not have a consistently serviced fax machine, nor are any of those remaining fax machines at the Department checked consistently for incoming communications. Therefore, receiving complaints via fax is no longer feasible. No change to the rule amendment is made in response to this comment.

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

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

§1.2. Department Complaint Process.

(a) Purpose. The purpose of this section is to establish the procedures by which complaints are filed with the Department and how the Department handles those complaints under Department jurisdiction in compliance with Tex. Gov't Code §2306.066, Tex. Gov't Code, Chapter 2105, Subchapter C, and 24 CFR §91.115(h), as applicable.

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

(1) Complainant--A Person filing a Complaint.

(2) Complaint--A complaint submitted to the Department in writing (via mailed letter, email, or submitted online through the Department website) from a person that believes the Department has the authority to resolve the issue.

(3) Complaint Coordinator--Department employee designated by the Executive Director or their designee to monitor the Public Complaint System and coordinate activities related to complaints.

(4) Complaint Liaison--The Department employee(s) designated by each division or program to handle each division or program's complaint-related issues.

(5) Department--The Texas Department of Housing and Community Affairs.

(6) Person--Any individual, other than an employee of the Department, and any partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(7) Public Complaint System--Department-created system used to track complaints received by the Department.

(c) Applicability. Except as specifically adopted in whole or in part by rule or contractual provision this rule is not applicable to:

(1) Consumer complaints relating to manufactured housing which are alternatively addressed by §80.73 of this title relating to Manufactured Housing Procedures for Handling Consumer Complaints; and

(2) Complaints filed in association with temporary Department programs for which a separate Complaint process has been established.

(d) Procedures.

(1) Complaint Submission. A Person who has a Complaint may submit such Complaint in writing to the Department, which will be directed to a Complaint Coordinator. If an accommodation because of a disability is needed in relation to the process of filing of a Complaint, the Person interested in filing the Complaint should refer to §1.1 of this chapter, (relating to Reasonable Accommodation Requests to the Department); if assistance is needed for non-English speaking persons, the Person interested in filing the Complaint should access the Department's Language Assistance webpage (https://www.tdhca.state.tx.us/lap.htm).

(2) Upon receipt of a Complaint:

(A) A Complaint Coordinator will enter the complaint in the Public Complaint System.

(B) A Complaint Coordinator will review the Complaint and as needed, forward the Complaint to the appropriate program or division Complaint Liaison(s).

(C) Notwithstanding any other provisions of this subsection, in the case of Complaints received by the Department in which no method of contacting the Complainant was provided, the Complaint Coordinator will close the Complaint in the Public Complaint System and provide a copy of the Complaint to the applicable program or division for informational purposes only.

(D) A Complaint Coordinator may also identify whether a Complaint received involves a potential Reasonable Accommodation request involving a Department recipient or property; in such cases the Complaint will be handled as provided for in §1.204 of this chapter relating to Reasonable Accommodations.

(E) Complaints that have potential Fair Housing Act violations may, at the Department's discretion, be also referred to the Texas Workforce Commission's Civil Rights Division.

(F) The Department will notify the Complainant of the status of the Complaint at least quarterly until there is a disposition of the Complaint, which is the final determination; there is no further process available, except as otherwise provided in state or federal law.

(3) A Complaint Liaison will research and evaluate the issues identified in the Complaint, and then resolve and close the Complaint. The Complaint Liaison will enter in the Public Complaint System summaries of each contact made with the Complainant and any actions taken leading to complaint resolution.

(4) The Complaint Coordinator may submit periodic summary reports or analysis to the Executive Director or designee.

(5) The Department will provide to the Person filing the Complaint, and to each Person who is a subject of the Complaint (to the extent contact information is available), a link to this rule, which serves as the Department's policy and procedures relating to complaint investigation and resolution.

(6) The Department will either notify the Complainant of the resolution of the Complaint within 15 business days after the date the Complaint was received by the Department, or notify the Complainant, within such period, of the date the Complainant can expect a response to the Complaint.

(7) Additional Complaints submitted by the same Complainant describing an issue which has previously been closed, had a final resolution, and for which there is no substantively new information presented, will be considered resolved by the Department. A letter to this effect will be sent to the Complainant by the Department. In such cases, a new Complaint will not be opened in the system.

(8) An information file about each Complaint will be maintained. The file must include:

(A) the Complaint number;

(B) the name of the Complainant;

(C) the date the Complaint was received by the Department;

(D) the subject matter of the Complaint;

(E) the name of each Person contacted in relation to the Complaint, if applicable;

(F) a summary of the results of the review of the Complaint;

(G) the date the Complaint was closed; and

(H) an explanation of the final resolution of the Complaint including the reason the file was closed.

(9) A Complaint may be withdrawn by the Complainant at any time.

(10) A Complainant may request and receive from the Department copies of any documentation or records collected by the Department with regard to the Complaint, subject to the Texas Public Information Act.

(11) Adherence to these procedures is not required by the Department if another procedure is required by law, or if the following of a procedure above would jeopardize an audit or Government investigation.

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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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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CHAPTER 2. ENFORCEMENT
SUBCHAPTER C. ADMINISTRATIVE PENALTIES

10 TAC §2.302

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3479), the repeal of 10 TAC Chapter 2, Subchapter C, Administrative Penalties, §2.302 Administrative Penalty Process. The rule will not be republished. The purpose of the repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no costs associated with the repeal.

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

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

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

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The repeal does not require a change in work that creates new employee positions.

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

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

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal is not considered to expand an existing regulation.

7. The repeal does not increase the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026 to June 22, 2026, to receive input on the proposed repealed section. No comments were received relating to the repeal.

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

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

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

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10 TAC §2.302

(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 10 TAC §2.302 are not included in the print version of the Texas Register. The figures are available in the on-line version of the July 24, 2026, issue of the Texas Register.)

The Texas Department of Housing and Community Affairs (the Department) adopts, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3480), new 10 TAC Chapter 2, Subchapter C, Administrative Penalties, §2.302 Administrative Penalty Process. The rule will be republished. The purpose is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no additional costs associated with this action. Sufficient existing state and/or federal administrative funds associated with the applicable programs are available to offset costs. No additional funds will be needed to implement this rule.

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

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

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

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The rule does not require a change in work that creates new employee positions.

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

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

5. The new section is not creating a new regulation.

6. The new section does expand on an existing regulation.

7. The new section does not increase the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5).

Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be improvement in the Department's ability to enforce noncompliance relating to the HOME Final Rule and PRWORA. The rule does provide for administrative costs to owners that fail to comply. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the state to implement the verification process and to the Department's subrecipients in administering the rule changes. However, sufficient state or federal administrative funds associated with the applicable programs are already available to offset costs. No additional funds will be required.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026, to June 22, 2026, to receive input on the proposed new rule. Four comments were received from Tracy Andrus, Disability Rights Texas, Texas Housers, and Texas Affiliation of Affordable Housing Providers (TAAHP), and, comments are summarized below.

General Comment:

Comment Summary: Most of Commenter 1's submitted comments are general in nature and are already addressed in the rules, therefore standing outside of the scope of the current rule amendment. For example, Commenter 1 states that due process protections should be strengthened to require written

notice of all allegations, disclosure of evidence, meaningful cure opportunities, neutral administrative review, and the right to confront and respond to allegations before penalties are imposed. Commenter 1 also states that TDHCA should be required to consider the organization's good faith efforts, corrective actions taken, prior compliance history, reliance upon TDHCA approvals, and the public harm caused by disrupting services.

Staff Response: Staff agrees that due process protections are important, however, Commenter 1's suggestions are unproductive. The enforcement rules at 10 TAC §2.103 and 10 TAC §2.301 already provide for written notice and an opportunity to cure events of noncompliance that are susceptible to being corrected. Similarly, an opportunity for a neutral administrative review is already provided via an informal conference with the Department's Enforcement Committee per 10 TAC §2.302 and 10 TAC §2.401, the members of which are appointed by the TDHCA Executive Director, and drawn from throughout the Department. Members from the referring division are often present during an informal conference, but must leave before deliberations to ensure impartiality, in accordance with 10 TAC §2.102(5). Likewise, the factors that Commenter 1 suggests considering are already considered by the Enforcement Committee per Tex. Gov't Code 2306.042, 10 TAC §2.302(h)(4), and 10 TAC §2.401(j). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 states that administrative penalty processes should not become mechanisms for coercion, retaliation, or excessive punitive enforcement against nonprofits attempting to serve high-risk and underserved populations.

Staff Response: 10 TAC §2.101 states that enforcement mechanisms are used to bring about compliant administration of Department funded state and federal programs. Owners who disagree with an administrative penalty recommendation made by the Enforcement Committee after an informal conference have the right to request a contested case hearing with the State Office of Administrative Hearings in accordance with 10 TAC §2.302(i) and 10 TAC §1.13. Owners who disagree with a debarment recommendation made by the Enforcement Committee after an informal conference have the right to appeal to the TDHCA Board in accordance with 10 TAC §2.401(l). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 urges safeguards to ensure TDHCA's compliance with fair housing laws, protection against discrimination, protection of sensitive information, and clear uniform procedures statewide.

Staff Response: Department rules already address the concerns listed above. The current amendment under consideration is to effectuate changes required by federal guidance. No changes are recommended to the rule.

10 TAC §2.302(k): Penalty Schedules

Comment Summary: Commenter 2 supports updates to the penalty table, particularly those relating to accessibility noncompliance in contracts or LURAs, failure to accept timely paid rent, terminated utilities, and failure to follow appeal and grievance policies.

Staff Response: Staff appreciates the support. No revisions are recommended.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA:

Comment Summary: Commenter 3 opposes PRWORA-related rulemaking and proposes delaying implementation until further expected HUD and DHS guidance is published, highlighting that Texas is the only state to update its rules ahead of that additional guidance, potentially exposing residents, providers, and TDHCA to unnecessary risk and harm. It is too early to begin enforcing new PRWORA policies since the rules are untested, and aggressive property owners seeking to comply could cause program-eligible tenants to lose their housing.

Staff Response: The Department has already completed rulemaking in 10 TAC §10.628 that sets a compliance date of August 1, 2026. No changes are recommended to the rule, but staff anticipates that further rule changes may be required in the future.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA

Comment Summary: Commenter 4 suggests that a penalty should not be imposed for failure to obtain supporting documentation when verification results are pending, delayed, or inconclusive for reasons outside of the owner's control, provided that the Owner is timely pursuing verification. Commenter 4 argues that an Owner should not be penalized as though it had failed to request or pursue the documentation.

Staff response: This change is reasonable for pre-existing households that are required to provide this documentation at renewal, but it is not reasonable to extend an exception to new applicants. A limited change is recommended for owners who follow the requirements of 10 TAC §10.802(l)(1) relating to lease renewals for existing households with original occupancy dates prior to August 1, 2026.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA

Comment Summary: Commenter 4 suggests there should not be a duplicate penalty for the same underlying documentation issue under both the legal-status documentation finding and the attestation finding, and suggests a per lease violation rather than per person.

Staff Response: Staff disagrees. The requirement for the documentation verifying legal status and the requirement for a signed attestation that no household members lack qualified legal status under PRWORA are two distinct lease requirements. Additionally, the procedure under 10 TAC §10.802(l)(1) is only applicable to the requirement for documentation of legal status, and is not applicable to the attestation provision, so it would not make sense to combine both violations into one category.

10 TAC §2.302: Administrative Penalty Process, regarding SAVE System

Comment Summary: Commenter 4 suggests limiting the potential penalty for failure to sign an agreement to access the SAVE system if an agreement is required under 10 TAC §10.628(f)(2)(A) or (C).

Staff Response: The penalty table already states, "as described in 10 TAC §10.628", so a violation would only be assessed if a SAVE agreement is required under that rule. No changes are necessary.

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

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

§2.302. Administrative Penalty Process.

(a) The Executive Director will appoint an Enforcement Committee, as defined in §2.102 of this chapter (relating to Definitions).

(b) The referring division will recommend the initiation of administrative penalty proceedings to the Committee by referral to the secretary of the Committee (Secretary). At the time of referral for a multifamily rental Development, the referral letter from the referring Division will require the Responsible Party who Controls the Development to provide a listing of the Actively Monitored Developments in their portfolio. The Secretary will use this information to help determine whether mandatory Debarment should be simultaneously considered by the Enforcement Committee in accordance with §2.401(e)(2) of this chapter, (relating to repeated violations).

(c) The Secretary shall promptly contact the Responsible Party. If fully acceptable corrective action documentation is submitted to the referring division before the Secretary sends an informal conference notice, the referral shall be closed with no further action provided that the Responsible Party is not subject to consideration for Debarment and provided that the referring division does not wish to move forward with the referral based upon a pattern of repeated violations. If the Secretary is not able to facilitate resolution, but receives a reasonable plan for correction, such plan shall be reported to the Committee to determine whether to schedule an informal conference, modify the plan, or accept the plan. If accepted, plan progress shall be regularly reported to the Committee, but an informal conference will not be held unless the approved plan is substantively violated, or an informal conference is later requested by the Committee or the Responsible Party. Plan examples include but are not limited to: a rehabilitation plan with a scope of work or contracts already in place, plans approved by the Department as part of the Previous Participation Review process provided for in 10 TAC Subchapter C for an ownership transfer or funding application, plans approved by the Executive Director, plans approved by the Asset Management Division, and/or plans relating to newly transferred Developments with unresolved Events of Noncompliance originating under prior ownership. Should the Secretary and Responsible Party fail to come to, an agreement or closer of the referral, or if the Responsible Party or ownership group's prior history of administrative penalty referrals does not support closure, or if consideration of Debarment is appropriate, the Secretary will schedule an informal conference with the Responsible Party to attempt to reach an agreed resolution.

(d) When an informal conference is scheduled, a deadline for submitting Corrective Action documentation will be included, providing a final opportunity for resolution. If compliance is achieved at this stage, the referral will be closed with a warning letter provided that factors, as discussed below, do not preclude such closure. Closure with a warning letter shall be reported to the Committee. Factors that will determine whether it is appropriate to close with a warning letter include, but are not limited to:

(1) Prior Enforcement Committee history relating to the Development or other properties in the ownership group;

(2) Prior Enforcement Committee history regarding similar federal or state Programs;

(3) Whether the deadline set by the Secretary in the informal conference notice has been met;

(4) Whether the Committee has set any exceptions for certain finding types; and

(5) Any other factor that may be relevant to the situation.

(e) If an informal conference is held:

(1) Notwithstanding the Responsible Party's attendance or presence of an authorized representative, the Enforcement Committee may proceed with the informal conference;

(2) The Responsible Party may, but is not required to be, represented by legal counsel of their choosing at their own cost and expense;

(3) The Responsible Party may bring to the meeting third parties, employees, and agents with knowledge of the issues;

(4) Assessment of an administrative penalty and Debarment may be considered at the same informal conference; and

(5) In order to facilitate candid dialogue, an informal conference will not be open to the public; however, the Committee may include such other persons or witnesses as the Committee deems necessary for a complete and full development of relevant information and evidence.

(f) An informal conference may result in the following, which shall be reported to the Executive Director:

(1) An agreement to dismiss the matter with no further action;

(2) A compliance assistance notice issued by the Committee, available for Responsible Parties appearing for the first time before the Committee for matters which the Committee determines do not necessitate the assessment of an administrative penalty, but for which the Committee wishes to place the Responsible Party on notice with regard to possible future penalty assessment;

(3) An agreement to resolve the matter through corrective action without penalty with a clear timeline included. If the agreement is to be included in an order, a proposed agreed order will be prepared and presented to the Board for approval;

(4) An agreement to resolve the matter through corrective action with the assessment of an administrative penalty which may be probated in whole or in part, and may, where appropriate, include additional action to promote compliance such as requirements to obtain training. In this circumstance, a proposed agreed order will be prepared and presented to Department's Governing Board for approval;

(5) A recommendation by the Committee to the Executive Director to determine that a violation occurred, and to issue a report to the Board and a Notice of Violation to the Responsible Party, seeking the assessment of administrative penalties through a contested case hearing with the State Office of Administrative Hearings (SOAH); or

(6) Other action as the Committee deems appropriate.

(g) Upon receipt of a recommendation from the Committee regarding the issuance of a report and assessment of an administrative penalty under subsection (f)(5) of this section, the Executive Director shall determine whether a violation has occurred. If needed, the Executive Director may request additional information and/or return the recommendation to the Committee for further development. If the Executive Director determines that a violation has occurred, the Executive Director will issue a report to the Board in accordance with §2306.043 of the Texas Government Code.

(h) Not later than 14 days after issuance of the report to the Board, the Executive Director will issue a Notice of Violation to the

Responsible Party, along with a Notice of Violation for Property Posting (which shall be printed and posted in two prominent places on the property subject to the Notice, and photographic proof of the posting shall be made). The Notice of Violation issued by the Executive Director will include:

(1) A summary of the alleged violation(s) together with reference to the particular sections of the statutes and rules alleged to have been violated;

(2) A statement informing the Responsible Party of the right to a hearing before the SOAH, if applicable, on the occurrence of the violation(s), the amount of penalty, or both;

(3) Any other matters deemed relevant, including the requirements regarding the Notice of Violation for Property Posting; and

(4) The amount of the recommended penalty. In determining the amount of a recommended administrative penalty, the Executive Director shall take into consideration the statutory factors at Tex. Gov't Code §2306.042 the penalty schedule shown in the tables in subsection (k) of this section and in the instance of a proceeding to assess administrative penalties against a Responsible Party administering the annual block grant portion of CDBG, CSBG, or LIHEAP, whether the assessment of such penalty will interfere with the uninterrupted delivery of services under such program(s). The Executive Director shall further take into account whether the Department's purposes may be achieved or enhanced by the use of full or partial probation of penalties subject to adherence to specific requirements and whether the violation(s) in question involve disallowed costs.

(i) Not later than 20 days after the Responsible Party receives the Notice of Violation, the Responsible Party may accept the requirements of the Notice of Violation or request a SOAH hearing.

(j) If the Responsible Party requests a hearing or does not respond to the Notice of Violation, the Executive Director, with the approval of the Board, shall cause the hearing to be docketed before a SOAH administrative law judge in accordance with §1.13 of this title (relating to Contested Case Hearing Procedures), which outlines the remainder of the process.

(k) Penalty schedules.
Figure 1: 10 TAC §2.302(k)
Figure 2: 10 TAC §2.302(k)
Figure 3: 10 TAC §2.302(k)

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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Bobby Wilkinson
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Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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SUBCHAPTER D. DEBARMENT FROM PARTICIPATION IN PROGRAMS ADMINISTERED BY THE DEPARTMENT

10 TAC §2.401

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3482), the repeal of 10 TAC Chapter 2, Subchapter D, Debarment from Participation in Programs Administered by the Department, §2.401 General. The rule will not be republished. The purpose of the repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no costs associated with the repeal.

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

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

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

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The repeal does not require a change in work that creates new employee positions.

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

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

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal is not considered to expand an existing regulation.

7. The repeal does not increase the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic

effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026 to June 22, 2026, to receive input on the proposed repealed section. No comments were received relating to the repeal.

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

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

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 9, 2026.

TRD-202602819
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: July 29, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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10 TAC §2.401

The Texas Department of Housing and Community Affairs (the Department) adopts, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3483), new 10 TAC Chapter 2, Subchapter D, Debarment from Participation in Programs Administered by the Department, §2.401 General. The rule will be republished. The purpose is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no additional costs associated with this action. Sufficient existing state and/or federal administrative funds associated with the applicable programs are available to offset costs. No additional funds will be needed to implement this rule.

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

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

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

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The rule does not require a change in work that creates new employee positions.

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

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

5. The new section is not creating a new regulation.

6. The new section does expand on an existing regulation.

7. The new section does not increase the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

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

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be improvement in the Department's enforcement abilities. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the state to implement the verification process and to the Department's subrecipients in administering the rule changes. However, sufficient state or federal administrative funds associated with the applicable programs are already available to offset costs. No additional funds will be required.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026, to June 22, 2026, to receive input on

the proposed replacement section. Six comments were received from Disability Rights Texas, Texas Housers, Texas Affiliation of Affordable Housing Providers (TAAHP), Coalition of Texans with Disabilities, Texas Council for Developmental Disabilities, and Tracy Andrus; comments are summarized below.

General Comment:

Comment Summary: Most of Commenter 1's submitted comments are general in nature and already addressed in the existing rules, and are therefore outside of the scope of the current rule amendment. For example, Commenter 1 states that due process protections should be strengthened to require written notice of all allegations, disclosure of evidence, meaningful cure opportunities, neutral administrative review, and the right to confront and respond to allegations before penalties are imposed. Commenter 1 also states that TDHCA should be required to consider the organization's good faith efforts, corrective actions taken, prior compliance history, reliance upon TDHCA approvals, and the public harm caused by disrupting services.

Staff Response: Staff agrees that due process protections are important, however, Commenter 1's suggestions are unproductive. The enforcement rules at 10 TAC §2.103 and 10 TAC §2.301 already provide for written notice and an opportunity to cure events of noncompliance that are susceptible to being corrected. Similarly, an opportunity for a neutral administrative review is already provided via an informal conference with the Department's Enforcement Committee per 10 TAC §2.302 and 10 TAC §2.401, the members of which are appointed by the TDHCA executive director, and drawn from throughout the Department. Members from the referring division are often present during an informal conference, but must leave before deliberations to ensure impartiality, in accordance with 10 TAC §2.102(5). Likewise, the factors that he suggests considering are already considered by the Enforcement Committee per Tex. Gov't Code 2306.042, 10 TAC §2.302(h)(4), and 10 TAC §2.401(j). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 urges safeguards to ensure TDHCA's compliance with fair housing laws, protection against discrimination, protection of sensitive information, and clear uniform procedures statewide.

Staff Response: Department rules already address the concerns listed above. The current amendment under consideration is to effectuate changes required by federal guidance. No changes are recommended to the rule.

10 TAC §2.401(f)(5): Debarment for Repeated Noncompliance with Accessibility and Reasonable Accommodations:

Comment Summary: Commenters 2, 3, 5, and 6 support changes relating to noncompliance with accessibility and reasonable accommodations. However, Commenter 2 recommends further changes, arguing that landlords often respond within 14 days, but then stop responding, and that landlords can avoid consequences if the interactive process is initiated within 14 days. Commenter 2 recommends requiring actively engaging in an interactive process with the tenant within seven days, and requiring an accommodation to be granted or denied within fourteen days of receipt of information necessary to make a determination.

Staff Response: Staff appreciates the support. Engaging in the interactive process within 14 calendar days is reasonable as written. Staff recommends adding the word "actively" to the rule to address concerns regarding potential unresponsiveness. No further revisions are recommended.

10 TAC §2.401: General (Debarment), regarding PRWORA:

Comment Summary: Commenter 3 opposes PRWORA-related rulemaking and proposes delaying implementation until further expected HUD and DHS guidance is published, highlighting that Texas is the only state to update its rules ahead of that additional guidance, potentially exposing residents, providers, and TDHCA to unnecessary risk and harm. It is too early to begin enforcing new PRWORA policies since the rules are untested, and aggressive property owners seeking to comply could cause program-eligible tenants to lose their housing. At minimum, Commenter 3 suggests that PRWORA-related noncompliance be moved to the optional debarment category.

Staff Response: The Department has already completed rulemaking in 10 TAC §10.625 that sets a compliance date of August 1, 2026. Staff recognizes commenter's concerns regarding a potential automatic debarment referral; however, referral would only occur if an Owner refuses to sign a required PRWORA Agreement or Contract Amendment, or if an Owner repeatedly fails to comply with PRWORA provisions. No changes are recommended to the rule, but staff anticipates that further rule changes may be required in the future.

10 TAC §2.401: General (Debarment), regarding PRWORA:

Comment Summary: Commenter 4 recommends editing 10 TAC §2.401(f)(6) to clarify that the trigger applies only after any applicable corrective action period, and should not be based on pending, delayed, or inconclusive verification results outside the Owner's control.

Staff Response: Staff accepts changes relating to the recommended corrective action period and has added this clarification. The other recommended change is reasonable for pre-existing households that are required to provide PRWORA documentation at renewal, but it is not reasonable to extend an exception to new applicants. A limited change is recommended for owners who follow the requirements of 10 TAC §10.802(l) relating to lease renewals for existing households with original occupancy dates prior to August 1, 2026.

10 TAC §2.302: Administrative Penalty Process, regarding SAVE System

Comment Summary: Commenter 4 suggests limiting potential debarment for failure to sign an agreement to access the SAVE system if an agreement is required under 10 TAC §10.628(f)(2)(A) or (C), stating that 10 TAC §10.628 allows different verification pathways, and an Owner using other allowed pathways should not face debarment exposure for a SAVE System Agreement requirement that does not apply to that Owner.

Staff Response: The penalty table already states, "as described in 10 TAC §10.628", and the Department would not seek to enforce an agreement that does not apply to an Owner under that rule. No changes are necessary.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules. Except as described herein, the new section affects no other code, article, or statute.

The rule, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the Department's legal authority.

§2.401. General.

(a) The Department may debar a Responsible Party, a Consultant, and/or a Vendor who has exhibited past failure to comply with any condition imposed by the Department in the administration of its programs. Any of the following discretionary debarment criteria must be past the provided corrective action deadline, if applicable. A Responsible Party, Consultant or Vendor may be referred to the Committee for Debarment for any of the following:

(1) Refusing to provide an acceptable plan to implement and adhere to procedures to ensure compliant operation of the program after being placed on Modified Cost Reimbursement;

(2) Refusing to repay disallowed costs;

(3) Refusing to enter into a plan to repay disallowed costs or egregious violations of an agreed repayment plan;

(4) Meeting any of the ineligibility criteria referenced in §11.202 of this title (relating to Ineligible Applicants and Applications) or other ineligibility criteria outlined in a Program Rule, with the exception of: ineligibility related to conflicts of interest disclosed to the Department for review, and ineligibility identified in a previous participation review in conjunction with an application for funds or resources (unless otherwise eligible for Debarment under this Subchapter D);

(5) Providing fraudulent information, knowingly falsified documentation, or other intentional or negligent material misrepresentation or omission with regard to any documentation, certification or other representation made to the Department;

(6) Failing to correct Events of Noncompliance as required by an order that became effective after April 1, 2021, and/or failing to pay an administrative penalty as required by such order, within six months of a demand being issued by the Department. In this circumstance, if the Debarment process is initiated but the Responsible Party, Consultant, and/or Vendor fully corrects the findings of noncompliance to the satisfaction of the referring division and pays the administrative penalty as required by the order before the Debarment is finalized by the Board, the Debarment recommendation may be cancelled or withdrawn by Committee recommendation and Executive Director concurrence. This type of referral would be initiated by the Secretary;

(7) Controlling a multifamily Development that was foreclosed after April 1, 2021, where the foreclosure or deed in lieu of foreclosure terminates a TDHCA LURA. After January 1, 2026, this also applies if a TDHCA LURA is terminated because of bankruptcy;

(8) Controlling a multifamily Development where there is no operable elevator in an elevator-serviced building after January 1, 2026, unless the Owner can provide evidence that necessary repairs were under contract and scheduled for repair with a licensed repair company within the corrective action period;

(9) Controlling a multifamily Development and allowing a change in ownership after April 1, 2021, without Department approval;

(10) Transferring a Development, after April 1, 2021, without regard for a Right of First Refusal requirement;

(11) Being involuntary removed, or replaced due to a default by the General Partner under the Limited Partnership Agreement, after April 1, 2021;

(12) Controlling a multifamily Development and failing to correct Events of Noncompliance before the expiration of a Land Use Restriction Agreement after February 4, 2026;

(13) Refusing to comply with award conditions approved by the Board that were recommended by the Executive Award Review Advisory Committee or Executive Director after April 1, 2021;

(14) Having any Event of Noncompliance that occurs after April 1, 2021, that causes the Department to be required to repay federal funds to any federal agency including, but not limited to the U.S. Department of Housing and Urban Development; and/or

(15) Submitting a written certification that non-compliance has been corrected when it is determined that the Event of Noncompliance was not corrected. For certain Events of Noncompliance, in lieu of documentation, the Compliance Division accepts a written certification that noncompliance has been corrected. If it is determined that the Event of Noncompliance was not corrected, a Person who signed the certification may be recommended for debarment;

(16) Refusing to provide an amenity required by the LURA after April 1, 2021;

(17) Failing to reserve units for Section 811 PRA participants after April 1, 2021;

(18) Failing to notify the Department of the availability of 811 PRA units after April 1, 2021;

(19) Taking "choice limiting" actions prior to receiving HUD environmental clearance (24 CFR §58.22);

(20) Substandard construction, as defined by the Program, and repeated failure to conduct required inspections;

(21) Repeated failure to provide eligible match. 24 CFR §92.220, 24 CFR §576.201, and as required by NOFA;

(22) Repeated failure to report program income. As applicable, 24 CFR §200.80, 24 CFR §570.500, 24 CFR §576.407(c), 24 CFR §92.503 24 CFR §93.304, and §20.9 of this title (relating to Inspection Requirements for Construction Activities), or as defined by Program Rule;

(23) Participating in activities leading to or giving the appearance of "Conflict of Interest". As applicable, in 2 CFR Part 215, 2 CFR Part 200. 24 CFR §§93.353, §92.356, §570.489, §576.404, §20.9 of this title, or as defined by Program Rule;

(24) Repeated material financial system deficiencies. As applicable, 2 CFR Part 200, 24 CFR §§, 92.205, 92.206, 92.350, 92.505, and 92.508, 2 CFR Part 215, 2 CFR Part 225 (if applicable), 2 CFR Part 230, §20.9 of this title, Uniform Grant Management Standards, and Texas Grant Management Standards, and as defined by Program Rule;

(25) Repeated violations of Single Audit or other programmatic audit requirements;

(26) Failure to remain and operate as a CHDO, as outlined in the Contract or LURA;

(27) Commingling of funds, Misapplication of funds;

(28) Refusing to submit a required Audit Certification Form, Single Audit, or other programmatic audit;

(29) Refusing to timely respond to reports/provide required correspondence;

(30) Failure to timely expend funds; and

(31) A Monitoring Event determines that 50% or more of the client or household files reviewed do not contain required documentation to support income eligibility or indicate that the client or household is not income eligible.

(b) The Department shall debar any Responsible Party, Consultant, and/or Vendor who is debarred from participation in any program administered by the United States Government.

(c) Debarment for violations of the Department's Multifamily Programs. The Department shall debar any Responsible Party, Consultant, and/or Vendor who has materially or repeatedly violated any condition imposed by the Department in connection with the administration of a Department program, including but not limited to a material or repeated violation of a land use restriction agreement (LURA) or Contract. Subsection (d) of this section provides the criteria the Department will use to determine if there has been a material violation of a LURA. Subsections (e)(1) and (e)(2) of this section provide the criteria the Department shall use to determine if there have been repeated violations of a LURA. Any of the following mandatory debarment criteria must be past the corrective action deadline, if applicable.

(d) Material violations of a LURA. A Responsible Party, Consultant, and/or Vendor will be considered to have materially violated a LURA, Program Agreement, or condition imposed by the Department and shall be referred to the committee for mandatory Debarment if they:

(1) Control a Development that has, on more than one occasion scored 50 or less on a UPCS inspection or has, on more than one occasion scored 50 or less on a NSPIRE inspection, or any combination thereof. The Compliance Division or Enforcement Committee may temporarily decrease this NSPIRE score referral threshold for a Development, with approval by the Executive Director, for a period of time not longer than one year, so long as the referral score threshold is applied evenly to all Developments with similar types of violations;

(2) Refuse to allow a monitoring visit when proper notice was provided or failed to notify residents, resulting in inspection cancellation, or otherwise fails to make units and records available;

(3) Refuse to reduce rents to less than the highest allowed under the LURA;

(4) Refuse to correct a UPCS, NSPIRE, or final construction inspection deficiency after February 4, 2026;

(5) Fail to meet minimum set aside by the end of the first year of the credit period (HTC Developments only) after April 1, 2021; or

(6) Excluding an individual or family from admission to the Development solely because the household participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1-437), or other federal, state, or local government rental assistance program after April 1, 2021.

(e) Repeated Violations of a LURA that shall be referred to the Committee for Debarment.

(1) A Responsible Party, Consultant, and/or Vendor shall be referred to the Committee for mandatory Debarment if they Control a Development that, during two Monitoring Events in a row is found to be out of compliance with the following Events of Noncompliance:

(A) No evidence of, or failure to certify to, material participation of a non-profit or HUB, if required by the Land Use Restriction Agreement;

(B) Any Uniform Physical Condition Standards Violations that result in a score of 70 or below in sequential UPCS inspections after April 1, 2021 or NSPIRE violations that result in a score of 50 or below in sequential inspections after February 4, 2026, or any combination thereof. The Compliance Division or Enforcement Committee may temporally decrease this NSPIRE score referral threshold with approval by the Executive Director, for a period not to exceed one year, so long as the referral score threshold is applied evenly to all Developments with similar types of violations;

(C) Refuse to submit all or parts of the Annual Owner's Compliance Report for two consecutive years after April 1, 2021; or

(D) Gross rents exceed the highest rent allowed under the LURA or other deed restriction.

(2) Repeated violations in a portfolio. Responsible Party who control five or more Actively Monitored Developments will be considered for Debarment based on repeated violations in a portfolio. A Person shall be referred to be committee if an inspection or referral, after April 1, 2021, indicates the following:

(A) 50% or more of the Actively Monitored Developments in the portfolio that are Controlled by the Responsible Party, whether acting alone or in concert with others, have been referred to the Enforcement Committee within the last three years. The Enforcement Committee may increase this threshold at its discretion. For example, if three properties in a five-property portfolio are monitored in the same month, and then referred to the Enforcement Committee at the same time, it may be appropriate to increase the 50% threshold; or,

(B) 50% or more of the Actively Monitored Developments in the portfolio score a 70 or less during a Uniform Physical Conditions Standards inspection or score 50 or less during a NSPIRE inspection, or any combination thereof. The Compliance Division may decrease this NSPIRE score threshold with approval by the Executive Director, for a period not to exceed one year, so long as the score threshold is applied evenly to all properties.

(f) Debarment for violations of Department Programs, with the exception of the Non-Discretionary funds in the Community Services Block Grant program. Material or repeated violations of conditions imposed in connection with the administration of Programs administered by the Department. Administrators, Subrecipients, Responsible Parties, contractors, Owners, and related parties shall be referred to the Committee for consideration for Debarment for violations including but not limited to:

(1) 50% or more loan defaults in the first 12 months of the loan agreement after April 1, 2021;

(2) The following Davis Bacon Act Violations:

(A) Refusing to pay restitution (underpayment of wages). 29 CFR §5.31.

(B) Refusing to pay liquidated damages (overtime violations). 29 CFR §5.8.

(C) Repeated failure to pay full prevailing wage, including fringe benefits, for all hours worked. 29 CFR §5.31.

(3) The following violations of the Uniform Relocation Act and requirements of §104(d):

(A) Repeated failure to provide the General Information Notice to tenants prior to application. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352 and HUD Handbook 1378.

(B) Repeated failure to provide all required information in the General Information Notice. 49 CFR §24.203, 24 CFR §570.606, 24 CFR §92.353, 24 CFR §93.352, or HUD Handbook 1378.

(C) Repeated failure to provide the Notice of Eligibility and/or Notice of Non-displacement on or before the Initiation of Negotiations date. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(D) Repeated failure to provide all required information in the Notice of Eligibility and/or Notice of Non-displacement. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(E) Repeated failure to provide 90 Day Notices to all "displaced" tenants and/or repeated failure to provide 30 Day Notices to all "non-displaced" tenants. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(F) Repeated failure to perform and document "decent, safe and sanitary" inspections of replacement housing. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(G) Refusing to properly provide Uniform Relocation Act or §104(d) assistance. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §570.606 and §104(d) of the Housing & Community Development Act of 1974 - 24 CFR Part 42.

(4) Failure to correct Build America Buy America violations after the corrective action period.

(5) Repeated noncompliance with the provisions of Chapter 1, Subchapter B, of this title concerning Accessibility and Reasonable Accommodations, including but not limited to the failure to grant, deny, or actively engage in the interactive process concerning reasonable accommodations within a reasonable time period, not to exceed fourteen (14) calendar days.

(6) Failure to sign any PRWORA Agreement or Contract Amendment (as applicable), or repeated noncompliance with the PRWORA provisions as reflected in this title or as reflected in a PRWORA Agreement or Contract Amendment after the corrective action period (if applicable), except when the Owner has followed the procedures under §10.802(l)(1) of this title (relating to Written Policies and Procedures) relating to verification at renewal for an existing person signing a lease with an original occupancy date prior to August 1, 2026.

(7) Refusing to reimburse excess cash on hand.

(8) Using Department funds to demolish a homeowner's dwelling and then refusing to rebuild.

(9) Drawing down Department funds for an eligible use and then refusing to pay a properly submitted request for payment to a subgrantee or vendor with the drawn down funds.

(g) The referring division shall provide the Responsible Party, Consultant, and/or Vendor with written notice of the referral to the Committee, setting forth the facts and circumstances that justify the referral for Debarment consideration. That notice shall require the Responsible Party to provide a current organizational chart showing ownership to the level of natural persons who are in Control of the Development, and must indicate which entities and natural persons have the ability to Control the Development.

(h) The Secretary shall then offer the Responsible Party, Consultant, and/or Vendor the opportunity to attend an Informal Conference with the Committee to discuss resolution of the matter. In the event that the Debarment referral was the result of a violated agreed order or a determination that 50% or more of the Actively Monitored Developments in their portfolio have been referred to the Enforcement Committee, the above written notice of the referral to the Committee and the informal conference notice shall be combined into a single notice issued by the Secretary.

(i) A Debarment Informal Conference may result in the following, which shall be reported to the Executive Director:

(1) A determination that the Department did not have sufficient information and/or that the Responsible Party, Consultant, and/or Vendor does not meet any of the criteria for Debarment;

(2) An agreed Debarment, with a proposed agreed order to be prepared and presented to the Board for approval;

(3) A recommendation by the Committee to the Executive Director for Debarment;

(4) A request for further information, to be considered during a future meeting; or,

(5) If Debarment is not mandatory, one of the following results, which will then be reported to the Executive Director:

(A) An agreement to dismiss the matter with no further action;

(B) A recommendation for a voluntary non-participation agreement, with an alternative recommendation for Debarment to the Executive Director, with said Debarment recommendation to be made only in the event that the Responsible Party, Consultant, and/or Vendor refuses to enter into a voluntary non-participation agreement;

(C) An agreement to dismiss the matter with corrective action being taken; or

(D) Any other action as the Committee deems appropriate.

(j) The Committee's recommendation to the Executive Director regarding a voluntary non-participation agreement shall include a recommended period during which the Responsible Party, Consultant, and/or Vendor will not participate in any new Department financing, assistance opportunity, or programs in any manner. Recommended periods of non-participation will be based on material factors such as repeated occurrences, seriousness of underlying issues, presence or absence of corrective action taken or planned, including corrective action to install new responsible persons and ensure they are qualified and properly trained. If the Department determines that this type of agreement is appropriate and the Responsible Party, Consultant, and/or Vendor agrees to the terms proposed by the Department, the Enforcement Committee will not recommend Debarment. This agreement will be placed on the Department website for the duration of its term. The Department will provide a quarterly report to the Board regarding any voluntary non-participation agreements that have been entered into during the previous quarter. The terms of a voluntary non-participation agreement are not appealable to the Board.

(k) The Committee's recommendation to the Executive Director regarding Debarment shall include a recommended period of Debarment. Recommended periods of Debarment will be based on material factors such as repeated occurrences, seriousness of underlying issues, presence or absence of corrective action taken or planned, including corrective action to install new responsible persons and ensure they are qualified and properly trained. Recommended periods of Debarment if based upon HUD Debarment, shall be for the period of the remaining HUD Debarment; or, if based upon criminal conviction, shall be up to ten (10) years or until fulfillment of all conditions of incarceration and/or probation, whichever is greater.

(l) The Executive Director shall accept, reject, or modify the Debarment recommendation by the Committee and shall provide written notice to the Responsible Party, Consultant, and/or Vendor of the determination, and an explanation of the determination if different than the Committee's recommendation, including the period of Debarment, if any. The Responsible Party, Consultant, and/or Vendor may appeal the Debarment determination in writing to the Board as described in §1.7 of this title (relating to Appeals Process).

(m) The Debarment recommendation will be brought to the next Board meeting for which the matter can be properly posted. The Board reserves discretion to impose longer or shorter Debarment periods than those recommended by staff based on its finding that such longer or shorter periods are appropriate when considering all factors

and/or for the purposes of equity or other good cause. An action on a proposed Debarment of an Eligible Entity under the CSBG Act will not become final until and unless proceedings to terminate Eligible Entity status have occurred, resulting in such termination and all rights of appeal or review have run or Eligible Entity status has been voluntarily relinquished.

(n) Until the Responsible Party, Consultant, and/or Vendor's Debarment referral is fully resolved, the Responsible Party, Consultant, and/or Vendor may not participate in new Department financing and assistance opportunities.

(o) Any person who has been debarred is prohibited from participation as set forth in the final order of Debarment for the term of their Debarment. Unless specifically stated in the order of Debarment, Debarment does not relieve a Responsible Party, Consultant, and/or Vendor from its current obligations, or prohibit it from continuing its participation in any existing engagements funded through the Department, nor limit its responsibilities and duties thereunder. The Board will not consider modifying the terms of the Debarment after the issuance of a final order of Debarment.

(p) If an Eligible Entity under the CSBG Act meets any of the criteria for Debarment in this rule, the Department may recommend the Eligible Entity for Debarment. However, that referral or recommendation shall not proceed until the termination of the Eligible Entity's status under the CSBG Act has concluded, and no right of appeal or review remains.

(q) All correspondence under this rule shall be delivered electronically.

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 9, 2026.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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CHAPTER 10. UNIFORM MULTIFAMILY RULES

SUBCHAPTER F. COMPLIANCE MONITORING

10 TAC §10.625

The Texas Department of Housing and Community Affairs (the Department) adopts amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F Compliance Monitoring, §10.625 Events of Noncompliance, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3487). The rule will be republished. The purpose of the amendment is to update the list of Events of Noncompliance to align with updated rule sections §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments adopted by the Department's Board on April 9, 2026.

FISCAL NOTE. Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the amendment to the rule is in effect, enforcing or administering the amendment does not have any foreseeable implications related to costs or revenues of the state or local governments.

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

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Wilkinson also has determined that, for the first five years the amendment would be in effect:

1. The amendment to the rule will not create or eliminate a government program but merely adds several additional categories of events of noncompliance for certain of the Department's multifamily properties;

2. The amendment to the rule will not require a change in the number of employees of the Department;

3. The amendment to the rule will not require additional future legislative appropriations;

4. The amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;

5. The amendment to the rule will not create a new regulation but does add several new events of noncompliance consistent with other regulatory changes made in sections §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments;

6. The amendment to the rule will not repeal an existing regulation;

7. The amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and

8. The amendment to the rule will neither positively nor negatively affect this state's economy.

PUBLIC BENEFIT/COST NOTE. Mr. Wilkinson also has determined that, for each year of the first five years the amendment to the rule is in effect, the public benefit anticipated as a result of the action will be consistency between §10.612 Tenant File Requirements and §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments and the list of Events of Noncompliance. There will not be any economic cost to any individual required to comply with the amendment.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES. The Department has determined that there will be no economic effect on small or micro-businesses or rural communities.

SUMMARY OF PUBLIC COMMENT. The Department requested public comment on the amendment from May 22, 2026 to June 22, 2026, to receive input on the proposed action. Public comment was received from two respondents and is summarized below. Commenters: Texas Housers (1) and Texas Affiliation of Affordable Housing Providers (TAAHP) (2).

General Comments:

Commenter 1 believes that rulemaking to implement PRWORA requirements across TDHCA programs is premature. They reference July 2025 HHS and November 2025 HUD PRWORA Notices, that indicate that further guidance is necessary to fully implement new legal status verification requirements, and that indicate future expected guidance. Commenter 1 asks that TD-

HCA delay the adoption of PRWORA-related rulemaking until expected HUD and DHS guidance is published.

Commenter 1 also references the National Housing Law Project's brief on immigration requirements in housing programs that suggests that "If a benefits granting agency engages in the improper application of PRWORA's verification requirements, they could be subject to discrimination claims under federal civil rights laws as well as any applicable state or local laws." Commenter 1 notes that Texas is so far the only state to update rules ahead of additional guidance and feels that by moving too quickly ahead of forthcoming federal guidance, the agency exposes residents, providers, and the agency itself to unnecessary risk and harm.

Lastly Commenter 1 urges TDHCA to exercise extreme caution in implementing punitive enforcement policies for legal status verification requirements, given that they are so new and untested; it is too early to begin enforcement of these policies that must be handled with care to avoid harm to low-income tenants. The threat of steep penalties or automatic consideration for debarment so soon after new rules go into effect could push properties to rush implementation, ultimately hurting low-income tenants. Property owners, wishing to avoid a finding of noncompliance, may rush or take an overly aggressive approach to implementation which could result in devastating losses to program-eligible tenants who could lose their housing as a result. Commenter 1 opposes the addition of four new PRWORA-related noncompliance events at this time and proposes delaying events of noncompliance updates until TDHCA rulemaking setting the base requirements for PRWORA compliance are finalized and further federal guidance is available.

Commenter 2 understands that the Department must establish compliance monitoring events related to PRWORA requirements and gives comments to ensure that the new events are clear, proportional and tied to matters within an Owner's control.

Staff Response: Staff does not recommend withdrawing the rule, as the federal guidance to date has provided sufficient guidance for the Department to proceed with this rule. Should additional federal guidance be issued, the Department will respond compliantly.

Nonrenewal:

Commenter 2 recommends that a nonrenewal issued under this section not create a separate Event of Noncompliance for termination or nonrenewal without good cause.

Staff Response: Staff has clarified the requirement.

Pending, delayed or inconclusive results:

Commenter 2 requests that clarification be added that An Owner not receive a finding for failure to obtain supporting documentation when verification results are pending, delayed, or inconclusive for reasons outside the Owner's control, provided the Owner is timely pursuing verification.

Staff Response: Staff concurs when results are pending or delayed that further information on what were the Owner's responsibilities were needed and has added clarifying language to 10 TAC §10.802. However, inconclusive results that are no longer pending further determination should still be included as documentation in the tenant file that a household member was not able to have qualified status confirmed.

Unit of Violation:

A violation should be assessed per lease, not per signer. Without this clarification, one household file issue could be multiplied by the number of lease signers.

Staff Response: Staff concurs in adding this clarification.

Attestation documentation:

The attestation is either executed or not executed. If the Owner requested the attestation, provided the opportunity required under §10.802(l), and documented the household's failure or refusal to execute it, the Owner should not be treated as having simply failed to obtain the attestation.

Staff Response: A household's failure to execute the attestation would result in the household being denied tenancy. Files must have the attestation, therefore, an Owner must ensure it is included.

SAVE System Agreement applicability.

SAVE-related findings should apply only where the Owner is required to execute or comply with the agreement under the applicable verification pathway.

Staff Response: Staff concurs with adding this clarification.

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

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

§10.625. Events of Noncompliance.

Figure: 10 TAC §10.625 lists events for which a multifamily rental Development may be found to be in noncompliance for compliance monitoring purposes. This list is not an exclusive list of events and issues for which an Owner may be subject to an administrative penalty, debarment or other enforcement action. The first column of the chart identifies the noncompliance event. The second column indicates to which program(s) the noncompliance event applies. The last column indicates whether the issue is reportable on IRS Form 8823 for HTC Developments.
Figure: 10 TAC §10.625

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 9, 2026.

TRD-202602815
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: July 29, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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SUBCHAPTER G. AFFIRMATIVE MARKETING REQUIREMENTS AND WRITTEN POLICIES AND PROCEDURE

10 TAC §10.802

The Texas Department of Housing and Community Affairs (the Department) adopts the amendment of 10 TAC Chapter 10,

Subchapter G, §10.802 Written Policies and Procedures, with changes to the proposed text as previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3488). The rule will be republished. The purpose of the amendment is to add additional requirements to be included in a property's Written Policies and Procedures that are now required because of recent rule changes at 10 TAC Chapter 10, Subchapter F Compliance Monitoring, §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments. Those sections incorporated the requirements of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the U.S. Department of Housing and Urban Development (HUD) in its 2025 federal Grant Agreements into the Department's Compliance rules for certain multifamily properties. Additions to the Written Policies and Procedures now address notification to tenants or applicants; handling of verification delays that may arise from disputes or appeals or while awaiting determinations from the Department on inconclusive results from SAVE; an appeal process; and how Owners may proceed to the next applicant during delays.

The rule amendments also make other changes not related to the PRWORA implementation that include: 1) clarifying the required response periods for certain Developments that are required by a LURA to have an appeal process or a Fair Lease and Grievance Procedure, 2) makes other clarifying edits to more clearly describe Department practices, 3) addresses the means by which a property owner can effectuate a tenant leasing preference or limitation to make this process less onerous, and 4) adds ERA to the list of Programs that may have a VAWA preference without a Contract amendment.

Tex. Gov't Code §2001.0045(b) does not apply to the amendment because it is subject to the exception under §2001.0045(c)(4) which excepts amendments that are necessary to receive a source of federal funds or to comply with federal law. No additional funds will be needed to implement this rule.

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

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Mr. Bobby Wilkinson has determined that, for the first five years the amended rule would be in effect:

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

2. The amendment does not require a change in work that creates new employee positions nor does it create savings that would allow for a reduction in employee positions.

3. The amended rule will not require additional future legislative appropriations.

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

5. The amended rule does not create a new regulation.

6. The amended rule does expand an existing regulation to provide additional requirements, however the expanded regulations are required to comply with federal law.

7. The amended rule does not increase the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the amendment and based on prior comment received regarding implementation of PRWORA, it is possible the amendment will create an economic effect on small or micro-businesses or rural communities. The added processes to the Written Policies and Procedures may require additional work for small operators or rural properties because they tend to more frequently utilize the programs that are applicable. Small operators and rural properties often have limited onsite capacity, increasing the proportional burden and the risk of findings. When verifications escalate to nonrenewal and a household will not vacate, properties can incur foreseeable enforcement costs for court and attorney fees, staff time and the costs of turning over a unit.

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

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

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

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amended rule is in effect, the public benefit anticipated as a result of the amended rule would be a rule compliant with the federal regulations relating to PRWORA with clear guidance for properties on how they must handle specific issues that may arise. There will not be economic costs to individuals required to comply with the amended rule.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended rule is in effect, enforcing or administering the amended rule will have no economic costs other than those noted above.

SUMMARY OF PUBLIC COMMENT. The Department requested public comment on the rule during a public comment period held from May 22, 2026 to June 22, 2026. Public comment was received from three commenters as summarized, and responded to, below. Commenters: Texas Housers (1), Texas Affiliation of Affordable Housing Providers (TAAHP) (2) and Foundation Communities (3).

General Comment: Commenter 1 believes that rulemaking to implement PRWORA requirements across TDHCA programs is premature. They reference a July 2025 HHS and November

2025 HUD PRWORA Notice, that indicate that further guidance is necessary to fully implement new legal status verification requirements, and that indicate future expected guidance. Commenter 1 asks that TDHCA delay the adoption of PRWORA-related rulemaking until expected HUD and DHS guidance is published.

Commenter 1 also references the National Housing Law Project's brief on immigration requirements in housing programs that suggests that "If a benefits granting agency engages in the improper application of PRWORA's verification requirements, they could be subject to discrimination claims under federal civil rights laws as well as any applicable state or local laws." Commenter 1 notes that Texas is so far the only state to update rules ahead of additional guidance and feels that by moving too quickly ahead of forthcoming federal guidance, the agency exposes residents, providers, and the agency itself to unnecessary risk and harm.

Commenter 1 supports the addition of specific timelines and appreciates that the proposed rules provide tenants with reasonable opportunities to address issues that might arise during the verification process.

Staff Response: Staff does not recommend withdrawing the rule, as the federal guidance to date has provided sufficient guidance for the Department to proceed with this rule. Should additional federal guidance be issued, the Department will respond compliantly.

§10.802(a) Applicability

Commenter 2 recommends that much like revisions that were made under separate rule that limited affirmative marketing to only properties that receive federal funding, this rule should also be so limited.

Staff Response: Staff does not concur. In addition to fulfilling requirements of federal funding, this rule is used to implement the requirements of state law, including but not limited to Sections 2306.066, 2306.269 and 2306.185(d) of the Texas Government Code, and provides further clarification about how the Department will monitor federal requirements that apply to most Developments, such as Section 504 of the Rehabilitation Act and the Violence Against Women Act of 2022. No change is made to the rule.

§10.802(b)(2)(B)

Comment: Commenter 3 requests revisions to this section of the rule that currently requires that an Owner with a preference to serve a special needs population have that preference documented in the LURA or written agreement. They feel this a regulatory burden, overreaches and does not support Owners that are serving special needs populations. They note that federal guidance says only that a written agreement is needed, and that state code does not require the LURA preference either. They suggested specific language to address this. On this issue they note that there is no precedent for a LURA requirement; that no other state has this rule; that because preferences may change that should not be part of the long-term obligations of a property present in a LURA; and that amending a LURA is expensive and time-consuming. When pursuing a LURA amendment for a preference the process took a year.

Commenter 3 also notes that they find clause (ii) confusing and believe that it is saying that an Owner cannot have a voluntary preference, but can only have preferences required by an external program. They recommend removing this language because it is limiting. They provide the example that at their properties they may have a preference for homeless households with children that is not required by another funder, but rather is their mission.

Staff Response: While unable to make the specific revisions requested, staff is adding qualifying language that should at least partially address this issue. Almost all federal and state funded Developments from the Department are covered by the HOME regulations in whole or in part, whether because of HOME, HOME ARP, or NSP funding provided to the Development Owner or because the Development is required to have HOME Match Units. 24 CFR §92.252(c) states that a Development Owner must adopt and follow tenant selection criteria that "Limit eligibility or give a preference to a particular segment of the population if permitted in its written agreement with the participating jurisdiction (and only if the limitation or preference is described in the participating jurisdiction's consolidated plan)."

Currently, the Department uses the Contract as the primary mechanism that fulfills all the requirements of a written agreement outlined in 24 CFR §92.504(c)(3), but prior to 2015 the Department used the LURA for this purpose. Currently, the HUD approved consolidated plan for 2025-2029 states that Owners may request to have preference for "persons with disabilities, persons with substance use disorders, persons living with HIV/AIDS (PLWH), persons with Violence Against Woman Act (VAWA) protections, colonia residents, farmworkers, homeless populations, veterans, (including wounded warriors as defined by the Caring for Wounded Warriors Act of 2008), public housing residents, persons transitioning out of incarceration, persons impacted by a state or federally declared disaster, and persons transitioning out of foster care and nursing facilities."

The Consolidated Plan goes on to say that TDHCA "may allow a preference or limitation that is not described . . . to encourage leveraging of federal or state funding, provided that another federal or state funding source for the rental housing requires a limitation or preference." Thus, for Developments covered by 24 CFR §92.252, a preference not listed would not be allowed, without a revision to the Department's Consolidated Plan/Action plan, which an Applicant or Development Owner may request during the public comment process for the Consolidated Plan or the Action Plan (as applicable), or in accordance with 10 TAC §13.1. However, for Developments not covered by 24 CFR §92.252 (or similar language in the National Housing Trust Fund regulations) and the Development does not have another fund source that has prohibited the Department (via subordination agreement, Rider or other similar instrument) from unilaterally approving preferences, an Owner could request that the Department allow a preference via a written agreement as described in the rule.

§10.802(l)(1) and (2)

Comment: Commenter 1 recommends editing 10 TAC §10.802(l)(1) and (2) for clarity. The current language and formatting make timelines a bit hard to piece together and there are slight differences in language across the two subsections despite seemingly similar purposes.

Staff Response: Commenter 1's suggested specific revisions are being incorporated in part to improve clarity as suggested.

§10.802(l)(1) Relating to Existing Tenant Households

Commenter 2 recommends clarifying the timing for existing households during the first implementation cycle. For house-

holds occupying a Development when the rule takes effect, verification should be initiated at least 90 days before the household's next lease renewal or recertification. If that is not possible because the renewal or recertification occurs too soon after the effective date, verification should be completed by the household's following lease renewal or recertification. This gives Owners a workable transition period and avoids placing Owners in immediate technical noncompliance when the 90-day window cannot be met because of the timing of the rule's effective date.

Commenter 2 also recommends tying the notice and cure period to when a SAVE response is received, to ensure that the clock is not started earlier than the determination is received; they also reflected in their proposed blackline that the notice to tenants be given within 5 days, rather than 2 days.

Commenter 2 suggests adding an additional extension request period for households.

Commenter 2 also recommends adding to the rule other alternative options for bringing a household into compliance such as lease modification, removal of the unverified signatory, household composition documentation, or another permitted procedure. They suggest this as a member-level resolution mirrors HUD's mixed-family treatment under 24 CFR Part 5, Subpart E, and §10.628(f)(1)(B) already makes Section 214 verification satisfy this rule.

Staff Response: Staff concurs with the initiation period revisions to ensure all households receive the full benefit of the 90 days of time. Staff also concurs with tying the timing of the notice and cure period to when the determination is received. Staff does not recommend lengthening the notice to tenants from 2 days to 5 days because a household should hear as soon as possible. Staff does not recommend the added extension period because 90 days is sufficient; longer than that and the Unit should be leased to a qualified household. As it relates to the additional options for mixed family treatment and other solutions, solutions are only acceptable to the extent that ultimately all lease signers have been verified with legal status and have signed the attestation forms.

§10.802(l)(2) Relating to New Applicant Households

Commenter 2 recommends that rather than only inform applicants of the requirement and attestation at the time of denial that information should be provided earlier. They suggest that at application, the Owner informs the applicant in writing that verification under §10.628 applies before lease execution, identifies the documentation the applicant may provide, discloses the §10.612(a)(6) attestation, and describes extension and appeal rights. Front-loading this at application means the applicant learns of verification and its rights before lease execution, not after a denial. Commenter 2 suggesting revising the notice period from 2 days to 5 days and to make sure that notice is tied to receipt of the result from SAVE. Commenter 2 suggested a revision to the waiting list and unit handling to clarify a contradiction in the rule. Commenter 2 suggests that clarification be made that the notice of denial is in one coordinated notice under subsection (f).

Staff Response: Staff concurs with providing the early notice at the time of application and has added this into the rule. Staff does not concur with increasing the days of notice from two to five, but is revising the rule to tie notices to the receipt of the results. Staff has clarified the section on the waiting list and unit handling to be clearer. Staff concurs that one coordinated notice of denial should be issued and has clarified this in the rule.

§10.802(l)(3) Notice Contents

Comment: Commenter 1 recommends adding a requirement to 10 TAC §10.802(l)(3) that the notice of failure to verify includes a specific timeline for how long the household has to appeal or correct records before the owner seeks reverification. This mimics language already in §10.802(l)(2) and ensures that tenants or applicants understand process timelines.

Staff Response:

The commenter's suggested specific revisions are being incorporated as suggested.

Commenter 2 suggests that the notice be provided not only to those that cannot be verified but also those that receive an inconclusive result or must provide more documentation, matching the outcomes the verification process actually returns. Commenter 2 suggests that the notice should state the result and identify the pathway used under §10.628(f); they suggest that not every pathway is SAVE. Commenter 2 recommended that the notice should state whether documentation or information is needed to complete verification, contest the result, or cure the deficiency, so the household knows which of the three it faces. Commenter 2 notes that clarification is needed that records are corrected - not status. Commenter 2 suggests that the notice should state the deadline to submit documentation, request an extension, or appeal. The proposed notice omitted this. Lastly Commenter 2 suggests that the notice should state the consequence if the household does not respond, so the household understands what happens if it does nothing before the periods run.

Staff Response: Staff concurs with expanding the notice to those that receive inconclusive results or need more documentation and has revised the rule. As it relates to identifying the pathway under §10.628(f) because ‘not every pathway is SAVE,' staff is not making this revision; whether from the Department, the Owner or a third party, the verification step being discussed in this step is relating to a SAVE result. Even if the Department performs the process, it is still a SAVE result, not a Department determination. Staff concurred with the recommendation relating to whether documentation or information is needed. Staff concurs with making the revision from status to records, making the revision to include the deadline to submit documentation or an appeal, and to include the consequences of inaction to the notice.

§10.802(l)(4) Appeals

Commenter 1 recommends that language be clarified regarding appeals to clarify what the notice of an Owner's investigation must include.

Staff Response: The commenter's suggested edit is being incorporated.

Commenter 2 suggested that the appeal response period should be at least 14 days and suggests revising this language from investigation to appeal. Commenter 2 also suggests that the Owner should not proceed with denial or nonrenewal while a timely §1.7 appeal is pending, and the nonrenewal period tolls until the written decision. This mirrors HUD deferring termination until verification concludes. They also suggest language that clarifies that the appeal tests the Owner's process and result, not immigration status, which only DHS or the record-keeping agency can correct.

Staff Response: The commenter's suggested edit regarding the 14-day appeal response period is being added to the rule, as well as the revision to not proceed with denial or nonrenewal while in a timely filed appeal period, and the clarification that the appeal is on the Owner's handling of the issue, not the household's immigration status.

Other Comments

Commenter 2 also suggested adding several new sections comprising 10 new paragraphs, to the rule on conducting verification and lease administration. Those comments and suggested additions can be viewed fully in the comment posted on the Department's website.

Staff Response:

Because these significant rule changes were not contemplated in the draft released for comment, staff is unable to add them at this point without releasing for further comment.

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

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

§10.802. Written Policies and Procedures.

(a) The purpose of this section is to outline the policies and/or procedures of the Department (also called tenant section criteria) that are required to have written documentation. If an Owner fails to have such Written Policies and Procedures, or fails to follow their Written Policies and Procedures it will be handled as an Event of Noncompliance as further provided in §10.803 of this subchapter (relating to Compliance and Events of Noncompliance).

(1) Owners must inform applicants/tenants in writing, at the time of application, or at the time of other actions described in this section, that such policies/procedures as described in this section are available, and that the Owner will provide copies upon request to applicants/tenants or their representatives.

(2) The Owner must have all policies and related documentation required by this section and the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation" available in the leasing office and anywhere else where applications are taken; Developments that accept electronic applications must maintain on their website these Written Policies and Procedures and the same noted forms.

(3) All policies must have an effective date. Any changes made to the policies require a new effective date, and a notice regarding the availability of new policies must be communicated to tenants in writing. Acceptable forms of notification in writing are:

(A) Written notice to each household through an active communications portal or online rental payment portal, if either are used at the Development;

(B) written notice via hard copy placed on the door to each occupied Unit;

(C) a notice online on the Development's website, if the Development has one; or

(D) a hard copy notice posted in the leasing office's public area for at least 30 calendar days.

(4) In general, policies addressing credit, criminal history, and occupancy standards cannot be applied retroactively. Tenants who already reside in the Development or applicants on the waitlist at the time new or revised tenant selection criteria are applied, and who are otherwise in good standing under the lease or waitlist, must not receive notices of termination or non-renewal based solely on their failure to meet the new or revised tenant selection criteria or be passed over on the waitlist. However, criteria related to program eligibility or compliance with PRWORA may be applied retroactively when a market rate development receives a new award of tax credits, federal, or state funds and a household is not eligible under the new program requirements, or when prior criteria violate federal or state law.

(b) Tenant Selection Criteria. A Development Owner must maintain current and prior versions of the written Tenant Selection Criteria, for the longer of the records retention period that applies to the program, or for as long as tenants who were screened under the historical criteria are occupying the Development.

(1) The criteria identified by a Development must be reasonably related to an applicant's ability to perform under the lease (for a Development with MFDL funding this means to pay the rent, not to damage the housing, and not to interfere with the rights and quiet enjoyment of other tenants) and include at a minimum:

(A) Requirements that determine an applicant's basic eligibility for the Development, including any preferences, restrictions (such as the Occupancy Standard Policy), the Waitlist Policy, Changes in Housing Designation Policy, low income unit designations utilized, and any other tenancy requirements. Any restrictions on student occupancy and any exceptions to those restrictions, as documented in the tenant file as provided for in 10 TAC §10.612(b)(2) of this chapter (relating to Tenant File Requirements) must be stated in the policies;

(B) Applicant screening criteria, including what applicant attributes are screened and what scores or findings would result in ineligibility;

(C) The following statement: Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, PRWORA, program guidelines, and TDHCA's rules;

(D) Specific age requirements if the Development is operating as an Elderly Property either under the Housing for Older Persons Act of 1995 as amended (HOPA), or the age related eligibly criteria required by its use of federal funds.

(2) The criteria must not:

(A) Include population limitations (such as Elderly or Veterans) unless the limitation is in a recorded LURA that has been approved by the Department;

(B) Include preferences for admission, unless it is:

(i) in a recorded LURA or Contract (as defined by programmatic requirements) or written agreement that has been approved by the Department (preferences are required to be in a Contract or LURA when a Development has federal or state funding from the Department, except for the preference allowed by paragraph (3) of this subsection or the mandatory preference as required by 24 CFR §8.27),

(ii) is required by a program in which the Owner is participating that requires the preference, or

(iii) is allowed by paragraph (3) of this subsection.

(iv) Owners that include preferences in their leasing criteria due to other federal financing must provide to the Department either written approval from HUD, USDA, or VA for such preference,

or identify the statute, written agreement, or federal guidance documentation that permits the adoption of this preference.

(v) A preference may be required to be in a LURA as a result of a subordination agreement, Rider, or other similar instrument, that the Department is requested to execute with another funding source;

(C) Exclude an individual or family from admission to the Development solely because the household participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1437), or other federal, state, or local government rental assistance program. If an Owner adopts a minimum income standard for households participating in a voucher program, it is limited to the greater of a monthly income of 2.5 times the household's share of the total monthly rent amount or $2,500 annually, except in the case of Foster Youth to Independence (FYI) vouchers any adopted minimum income standard is limited to one month of the household's share of the total monthly rent amount; or

(D) In accordance with VAWA, deny admission on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking.

(3) If the Development is funded with HOME, HOME ARP, ERA, TCAP RF, NHTF, or NSP funds, in accordance with 24 CFR §93.356 and 24 CFR §92.359, the criteria may have a preference for persons who have experienced domestic violence, dating violence, sexual assault, or stalking.

(4) Occupancy Standard Policy.

(A) If the Development restricts the number of occupants in a Unit in a more restrictive manner than found in Section 92.010 of the Texas Property Code, the Occupancy Standard Policy must allow at least two persons per Bedroom plus one additional person per Unit. An Efficiency Unit that is greater than 600 square feet, must also have an Occupancy Standard Policy of at least three persons per Unit. In an SRO or in an Efficiency that is less than 600 square feet, the Occupancy Standard Policy must allow at least two persons per Unit. Supportive housing or transitional housing Developments where all Units in the Development are SROs or Efficiencies, are not required by the Department to have an Occupancy Standard Policy, except as required for the 811 PRA Program or as reflected in the Development's LURA.

(B) A Development may adopt a more restrictive standard than described in subparagraph (A) of this paragraph, if the Development is required to utilize a more restrictive standard by a local governmental entity, or a federal funding source. However, the Development must have this information available onsite for Department review.

(C) Except for an Elderly Development that meets the requirements of the Housing for Older Persons Act exception under the Fair Housing Act, the Occupancy Standard Policy must state that children that join the household after the start of a lease term will not cause a household to be in violation of the lease.

(c) Reasonable Accommodations Policy. Owners must maintain a written Reasonable Accommodations policy. The policy must be maintained at the Development. Owners are responsible for ensuring that their employees and contracted third party management companies are aware of and comply with the reasonable accommodation policy.

(1) The policy must provide:

(A) Information on how an applicant or current resident with a disability may request a reasonable accommodation;

(B) How transfers related to a reasonable accommodation will be addressed; and

(C) A timeframe in which the Owner will respond to a request that is compliant with §1.204(b)(3) and (d) of this title (relating to Reasonable Accommodations).

(2) The policy must not:

(A) Require a household to make a reasonable accommodation request in writing;

(B) Require a household whose need is readily apparent to provide third party documentation of a disability;

(C) Require a household to provide specific medical or disability information other than the disability verification that may be requested to verify eligibility for reasonable accommodation;

(D) Exclude a household with person(s) with disabilities from admission to the Development because an accessible unit is not currently available; or

(E) Require a household to rent a unit that has already been made accessible.

(d) Waitlist Policy. Owners must maintain a written waitlist policy, regardless of current Unit availability. The policy must be maintained at the Development. The policy must include procedures the Development uses in:

(1) Opening, closing, and selecting applicants from the waitlist, including but not limited to the requirements in §10.615(b) of this title (relating to Elections under IRC §42(g) and Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments);

(2) Determining how lawful preferences are applied; and

(3) Procedures for prioritizing applicants needing accessible Units in accordance with 24 CFR §8.27, and Chapter 1, Subchapter B of this title (relating to Accessibility and Reasonable Accommodations).

(e) Changes in Household Designation Policy. This is applicable if a Development has adopted a policy in accordance with §10.611(c) of this subchapter (relating to Determination, Documentation and Certification of Annual Income).

(f) Denied Application Policies. Owners must maintain a written policy regarding the procedures they will follow when denying an application and when notifying denied applicants of their rights.

(1) The policy must address the manner by which rejections of applications will be handled, including timeframes and appeal procedures, if any.

(2) Within seven days after the determination is made to deny an application, the owner must provide any rejected or ineligible applicant that completed the application process a written notification of the grounds for rejection. The written notification must include:

(A) The specific reason for the denial and reference the specific leasing criteria upon which the denial is based;

(B) Contact information for any third parties that provided the information on which the rejection was based and information on the appeals process, if one is used by the Development. An appeals procedure is required for HOME Developments that are owned or sponsored by Community Housing Development Organizations (including a Development that ever received HOME funding that was purchased under a CHDO ROFR Provision on or after April 30, 2026), and Units at Developments that lease Units under the Department's Section 811

PRA program. The appeals process must provide a 14-day period for the applicant to contest the reason for the denial, and comply with other requirements of the HUD Handbook 4350.3 4-9; and

(C) The TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation."

(3) The Development must keep and may periodically be requested to submit to the Department a log of all denied applicants that completed the application process to include:

(A) Basic household demographic and rental assistance information, if requested during any part of the application process; and

(B) The specific reason for which an applicant was denied.

(4) If an 811 applicant is being denied, within three calendar days of the denial the Department's 811 PRA Program point of contact must be notified and provided with a copy of the written notice that was provided to the applicant.

(g) Non-renewal and/or Termination Notices. A Development Owner must maintain a written policy regarding procedures for providing households non-renewal and termination notices.

(1) The Owner must provide in any non-renewal or termination notice, a specific and lawful reason for the termination or non-renewal.

(2) The notification must:

(A) Be delivered as required under applicable program rules and the lease. For HOME, HOME ARP, TCAP RF, NHTF, NSP, HTC, TCAP, ERA, and Exchange Developments, see 10 TAC §10.613(a) - (b) of this chapter (relating to Lease Requirements). For Section 811 PRA, see 24 CFR §247.4(a) - (f);

(B) Include the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted;

(C) State how a person with a disability may request a reasonable accommodation in relation to such notice;

(D) Include information on the appeals process if one is used by the Development. This process is required under some LURAs, for HOME Developments that are owned or sponsored by Community Housing Development Organizations (including a Development that ever received HOME funds purchased under a CHDO ROFR Provision on or after April 30, 2026) and for 811 PRA units. For HOME Developments, the Owner must provide at least 30 days for the household to respond to the termination or non-renewal, and for 811 PRA Units the Owner must provide at least 14 days; and

(E) For Units subject to the 2025 HOME Final Rule as identified in §10.601(g), of this chapter relating to 2025 HOME Final Rule applicability,

(i) Such notice should be provided in a translated format when needed to ensure meaningful access for limited English proficient (LEP) persons; and

(ii) Be provided to TDHCA within the timeframe identified in §10.613(o)(4) of this chapter, relating to Notices to Vacate.

(h) At the time of application Owners must provide each adult in the household the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted.

(i) Policies and procedure reviews may be initiated periodically by the Department as a result of complaints, or through an owner requested written policies and procedures review. Owners may request a review of the written policies and procedures for a portfolio of Developments by submitting a request to fair.housing@tdhca.state.tx.us. After review by the Department, an Owner may make non-substantive changes to the policies.

(j) A Development Owner must allow applicants to submit applications via mail and at the Development site or leasing office; if the Development is electronically equipped, the Development may also allow applications to be submitted via email, website form, or fax. The Development's tenant selection criteria must state available alternate means of submission and include address, email, or other necessary contact information on the form or its attached leasing criteria.

(k) If the Development has ever been funded via Direct Loan or has HOME Match Units, the Development's written policies and procedures must list at least two methods to contact the Development.

(l) For HOME, HOME ARP, and NHTF Developments as it relates to verifying occupant legal status as required under §10.612 Tenant File Requirements and §10.628 Verification of Occupant Legal Status of this title for HOME, HOME ARP, and NHTF Developments of this title, the Development's written policies and procedures must include:

(1) For an existing occupant that has not been verified for legal status:

(A) Initiation. For existing occupants at the time that this rule goes into effect, verification must be initiated for all lease renewals or recertifications 90 days in advance of their subsequent lease renewal or recertification. When, due to the implementation date of this rule becoming effective, 90 days advance notice cannot be provided, this eligibility must be determined by the following recertification or renewal.

(B) Notice and Cure Timing. If an existing lease signatory is unable to be verified or verification results are inconclusive, the Owner must provide written notice within two business days of the receipt of the determination and at least 60 days prior to lease renewal. Such notice must meet the criteria in paragraph (3) of this subsection. The tenant household may seek to obtain adequate documentation or correct status with applicable agencies. If the occupant seeks to appeal or correct records in response to the notice, the Owner must allow at least 30 days from the date of notification before seeking to reverify. If the Owner receives the result fewer than 60 days prior to the lease renewal or recertification, the notice, appeal and nonrenewal periods run from the date of the receipt of the result, and occupancy may continue until those periods have elapsed.

(C) Nonrenewal. If upon receipt of further documentation, a required lease signatory is still unable to be verified or the

person has not signed the required attestation, the Owner must provide the household with at least 30 days notice of nonrenewal.

(2) For a new applicant household that has not been verified for legal status:

(A) Application Disclosure. At application, the Owner must inform the applicant in writing that verification under §10.628 will be performed prior to lease execution, identify the documentation or information the applicant may provide, disclose the attestation required by §10.612(a)(6) and describe the applicant's right to an appeal.

(B) Notice and Response. If a new applicant household is unable to be verified or verification results are inconclusive, the Owner must provide written notice to the applicant within two business days of receipt of the determination. Such notice must meet the criteria in paragraph (3) of this subsection. If the household seeks to appeal or correct records in response to the notice, the Owner must allow the household 30 days from the date of notification before seeking to reverify the household.

(C) Waiting List and Unit Handling. Unless a federal program requires another method for Waiting List Management, during the applicant verification process the Owner must either hold the Unit vacant for the period specified in its Written Policies and Procedures or place that applicant household at the top of the Waiting List for the next available Unit for which the household qualifies, and proceed to the next applicant on the Waiting List. The policies and procedures must describe how the Waiting List will be handled, and if holding a Unit vacant, the procedures must specify the number of days a Unit will be held. The policies and procedures must denote if an extension beyond 30 days at the top of the Waiting List will be permitted and under what circumstances. Additionally, if another federal program requires a different method of Waiting List Management, those requirements must be available for review by the Department or must be reviewed by the Department (if required by programmatic requirements).

(D) Denial. If verification cannot be completed after the applicable response, extension and appeal periods have elapsed, the Owner must deny the application under subsection (f) of this section and provide one coordinated notice.

(3) Notice to a household that is unable to be verified, has received inconclusive results, or must provide additional documentation must:

(A) state the results received from SAVE;

(B) state whether any additional documentation or information is required to complete verification, to contest the result or cure the deficiency;

(C) provide the household with the information necessary to contact the Department of Homeland Security (DHS) to correct their immigration records;

(D) notify the applicant household that they may seek correction of records with any agency that issued or maintains records relevant to verification;

(E) notify the household of their appeal rights and identify the applicable deadlines;

(F) notify the applicant of the property allowing the household 30 days from the date of notification before seeking to reverify; and

(G) state the consequence if the household does not respond or if verification cannot be completed after the applicable cure and appeal periods.

(4) Appeals. Owners must establish a written procedure to address an applicant's, occupant's, or tenant's appeal of a determination under this subsection. The procedure shall at a minimum include:

(A) An appeal period of not fewer than 14 days from the receipt of the notice that provides for an investigation and final decision by the owner or Management Company, with notification of completion including the results of the investigation, reasoning for the final decision, and instructions for how to file an appeal with the Department delivered to the tenant within 10 days of appeal receipt; and

(B) If after a Management Company or Owner determination has been made, an appeal may be submitted to the Department under §1.7 of this title (relating to Appeals Process). The Owner must not proceed with denial or nonrenewal while a timely filed appeal under §1.7 of this title is pending. An appeal under this paragraph concerns whether the Owner followed this subsection and correctly applied the verification result; it does not adjudicate immigration status.

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 9, 2026.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER B. GRADUATION REQUIREMENTS

19 TAC §74.11, §74.12

The State Board of Education (SBOE) adopts amendments to §74.11 and §74.12, concerning graduation requirements. The amendments are adopted with changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1235) and will be republished. The adopted amendments update high school graduation requirements to align with House Bill (HB) 27, 89th Texas Legislature, Regular Session, 2025, related to personal financial literacy, and Senate Bill (SB) 2314, 89th Texas Legislature, Regular Session, 2025, related to the Texas Higher Education Coordinating Board (THECB) direct admission program.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed HB 27, requiring students to successfully complete a one-half credit personal financial literacy course instead of the option to complete either a one-half credit economics course or a one-half credit course in economics and personal financial literacy to satisfy the economics requirement under the Foundation High School Program. The bill changed the current one-half credit economics course to a

one-credit course and permits students to select the third social studies credit required for graduation from economics, world geography, or world history. The bill also added new Texas Education Code (TEC), §28.025(b-24), requiring the SBOE to allow a student to comply with the personal financial literacy requirement by successfully completing an advanced placement course.

The 89th Texas Legislature, Regular Session, 2025, also passed SB 2314, amending the state graduation requirements in TEC, §28.025(c), to require students to elect whether to allow the THECB to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admission program established by THECB.

The adopted amendments update the high school graduation requirements to align with HB 27 and SB 2314. An additional amendment clarifies that the changes to the social studies graduation requirements adopted under HB 27 apply to students who enter Grade 9 beginning with the 2026-2027 school year, consistent with statute.

The following changes were made since approved for first reading and filing authorization.

Section 74.11(c) was amended by deleting the reference to "Grade 9" to establish that the direct admission program requirement applies to all high school students beginning with the 2026-2027 school year.

Section 74.12(b)(1) was amended to align with new English Language Proficiency Standards (ELPS) adopted in 2024 by replacing the phrase "with limited English proficiency who are at the beginning or intermediate level of" with the phrase "who have not yet demonstrated." The paragraph was further amended by replacing the term "and" with the term "and/or" between English I and English II and between English I for Speakers of Other Languages and English II for Speakers of Other Languages to indicate that the English I requirement may be met with English I for Speakers of Other Languages and the English II requirement can be met with English II for Speakers of Other Languages. The term "respectively" was also added to indicate the relationship between the level I and level II courses.

Section 74.12(b)(1) was amended by replacing an out-of-date reference to 19 TAC §110.33 with a reference to the current rule in 19 TAC §110.38.

Section 74.12(b)(1)(Q) was amended by replacing an out-of-date reference to 19 TAC §110.34 with a reference to the current rule in 19 TAC §110.39.

Section 74.12(b)(4)(A) was amended to include the complete course title for United States History Studies Since 1877 and reference proposed new 19 TAC §113.24.

In §74.12(b)(4)(C) and (D), the one-half credit course options, including Personal Financial Literacy and AP Business with Personal Finance, and the one credit course options, including World History Studies, World Geography Studies, Economics with Emphasis on the Free Enterprise System and Its Benefits, and a comparable AP or IB world history or world geography course that does not count toward another credit required for graduation, were replaced by options that align with HB 27 for students who enter Grade 9 in the 2026-2027 school year or later and options for students who entered Grade 9 prior to the 2026-2027 school year.

Section 74.12(b)(7)(B) was amended to correct a chapter title.

A redundant phrase was removed from a cross reference in §74.12(c).

The SBOE approved the amendments for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendments for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year. The effective date is August 1, 2026.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. One administrator recommended adding language to clarify whether the proposed amendments apply only to incoming freshmen for the 2026-2027 school year and beyond.

Response. The SBOE agrees and took action to amend the proposal to clearly distinguish between existing graduation requirements that apply to students who entered Grade 9 prior to the 2026-2027 school year and new requirements related to HB 27, 89th Texas Legislature, Regular Session, 2025, that apply to students who enter Grade 9 beginning with the 2026-2027 school year.

Comment. One parent expressed support for an amendment that would allow students to complete two courses selected from economics, world geography, and world history.

Response. The SBOE disagrees that it is necessary for students to complete two courses selected from economics, world geography, and world history and took action to adopt the amendment to require students to complete one credit selected from one of these three courses, in accordance with HB 27.

Comment. One community member expressed concern that delays in approving new instructional materials for personal financial literacy could create multi-year gaps in required instruction.

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

Comment. One counselor stated financial literacy should be a required course for every student graduating from a public high school.

Response. The SBOE agrees and took action to add the one-half credit in personal financial literacy graduation requirement to 19 TAC §74.12(b)(4)(C), as required by HB 27, 89th Texas Legislature, Regular Session, 2025.

Comment. One community member expressed concern that the Advanced Placement (AP) Business with Personal Finance course is primarily a business course, newly developed, costly, and limited in access and lacks validated outcomes or consistent college credit recognition. The commenter suggested the SBOE adopt a rigorous, universally accessible personal finan-

cial literacy course focused on real-world decision-making and long-term student success.

Response. This comment regarding the adoption of a personal financial literacy course is outside the scope of the proposed rulemaking.

Comment. Three teachers, two counselors, two administrators, two community members, and one out-of-state individual stated that the AP Business with Personal Finance course provides students with rigorous coursework, college credit opportunities, and workforce-relevant financial skills.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement for students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure that the AP option has substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

Comment. Two teachers, two counselors, and one administrator stated that allowing AP Business with Personal Finance to satisfy the social studies graduation requirement in personal financial literacy provides greater flexibility to districts.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement for students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure that the AP option has substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

Comment. Three teachers, two counselors, one administrator, one community member, and an out-of-state individual stated that the AP Business with Personal Finance course aligns with the Texas Essential Knowledge and Skills (TEKS) for 19 TAC §113.49, Personal Financial Literacy.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement that applies to students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program; TEC, §28.025(b-1)(4), which requires the SBOE to require that the curriculum requirements for the foundation high school program include a requirement that students successfully complete at least one-half credit in personal financial literacy; TEC, §28.025(b-24), as added by House Bill 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; TEC, §28.025(c)(1), which permits a student to graduate and receive a diploma only if the student successfully completes the curriculum requirements identified by the SBOE under TEC, §28.025(a), and complies with TEC, §§28.0256, 28.0257, and 39.025; and TEC, §28.0257, as added by Senate Bill 2314, 89th Texas Legislature, Regular Session, 2025, which requires a student to elect whether to opt in to allowing the Texas Higher Education Coordinating Board to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admissions program established by THECB.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§7.102(c)(4); 28.025(a); (b-1)(4); (b-24), as added by House Bill 27, 89th Texas Legislature, Regular Session, 2025; and (c)(1); and 28.0257, as amended by Senate Bill 2314, 89th Texas Legislature, Regular Session, 2025.

§74.11. High School Graduation Requirements.

(a) To receive a high school diploma, a student entering Grade 9 in the 2014-2015 school year and thereafter must complete the following:

(1) in accordance with subsection (d) of this section, requirements of the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program);

(2) testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment); and

(3) demonstrated proficiency, in Grade 8 or higher, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

(b) Beginning with students enrolled in Grade 12 during the 2021-2022 school year, each student in Grade 12 must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.

(1) A student may graduate under the Foundation High School Program without completing a financial aid application if:

(A) the student's parent or other person standing in parental relation submits a signed form, approved by the Texas Education Agency (TEA), indicating that the parent or other person declines to complete and submit the application or authorizes the student to decline to complete and submit the financial aid application;

(B) the student signs and submits the form described by paragraph (1) of this subsection on the student's own behalf if the

student is 18 years of age or older or has been emancipated under Texas Family Code, Chapter 31; or

(C) a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

(2) A school counselor may not indicate that a student has not complied with this subsection if the school district or open-enrollment charter school fails to provide the form described by paragraph (1)(A) of this subsection to the student or the student's parent or guardian.

(c) Beginning with students enrolled during the 2026-2027 school year, before graduating high school, a student must elect whether or not to allow the Texas Higher Education Coordinating Board (THECB) to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admission program established by the THECB pursuant to TEC, §61.0511(b)(2). A student satisfies this requirement if:

(1) the student provides documentation that the student has established a profile on the My Texas Future website and elected to participate in the direct admission program;

(2) the student's parent or guardian submits a signed form authorizing the student to decline to complete and submit information necessary to participate in the program;

(3) the student is 18 years or older or has had the disabilities of minority removed and signs and submits a form declining to complete and submit information necessary to participate in the program; or

(4) a school counselor authorizes the student in writing to decline to complete and submit the information necessary to participate in the program.

(d) A school district shall clearly indicate the distinguished level of achievement under the Foundation High School Program, an endorsement, and a performance acknowledgment on the transcript or academic achievement record (AAR) of a student who satisfies the applicable requirements.

(e) A student entering Grade 9 in the 2014-2015 school year and thereafter shall enroll in the courses necessary to complete the curriculum requirements for the Foundation High School Program specified in §74.12 of this title and the curriculum requirements for at least one endorsement specified in §74.13 of this title (relating to Endorsements).

(f) A student may graduate under the Foundation High School Program without earning an endorsement if, after the student's sophomore year:

(1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and

(2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the Foundation High School Program without earning an endorsement.

(g) A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the Foundation High School Program and the curriculum requirements for at least one endorsement required by the Texas Education Code (TEC), §28.025(b-15), including four credits in science and four credits in mathematics to include Algebra II.

(h) An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma but must complete all requirements of this section to satisfy state graduation requirements. Any course credit required in this section that is not completed by the student before he or she enrolls in a Texas school district may be satisfied through the provisions of §74.23 of this title (relating to Correspondence Courses and Distance Learning) and §74.24 of this title (relating to Credit by Examination) or by completing the course or courses according to the provisions of §74.26 of this title (relating to Award of Credit).

(i) Elective credits may be selected from the following:

(1) high school courses not required for graduation that are listed in the following chapters of this title:

(A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);

(B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);

(C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);

(D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);

(E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);

(F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);

(G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);

(H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and

(I) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education);

(2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);

(3) Junior Reserve Officer Training Corps (JROTC)--one to four credits;

(4) Driver Education--one-half credit; and

(5) College preparatory English language arts or mathematics courses developed and offered pursuant to the TEC, §28.014.

(j) Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements.

(k) A student may not be enrolled in a course that has a required prerequisite unless:

(1) the student has successfully completed the prerequisite course(s);

(2) the student has demonstrated equivalent knowledge as determined by the school district; or

(3) the student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

(l) A district may exempt a student from a specific career and technical education (CTE) course prerequisite for a CTE course that satisfies a mathematics or science credit if the district determines the student is not using the course to complete a CTE program of study.

(m) A district may award credit for a course a student completed without meeting the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

(n) A district shall allow a student who successfully completes AP Computer Science A or IB Computer Science Higher Level to satisfy both one advanced mathematics requirement and one languages other than English requirement for graduation.

(o) Each school district shall annually report to TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled as authorized by the TEC, §28.002(g-1). TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.

(p) Each school district shall annually report to TEA the names of cybersecurity courses approved by the board of trustees for credit and the institutions of higher education in which the district's students have enrolled as authorized by the TEC, §28.002(g-3). TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.

(q) A school district shall permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an institution of higher education (IHE). A student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, as certified by the IHE in accordance with §4.28 of this title (relating to Core Curriculum):

(1) is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

(2) is considered to have earned a distinguished level of achievement under the Foundation High School Program; and

(3) is entitled to receive a high school diploma.

§74.12. Foundation High School Program.

(a) Credits. A student must earn at least 22 credits to complete the Foundation High School Program.

(b) Core courses. A student must demonstrate proficiency in the following.

(1) English language arts--four credits. Two of the credits must consist of English I and II. (Students who have not yet demonstrated English language proficiency may satisfy the English I and/or English II graduation requirements by successfully completing English I for Speakers of Other Languages and/or English II for Speakers of Other Languages, respectively.) A third credit must consist of English III, a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation, or a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.38 of this title (relating to English Language Arts and Reading, English III (One Credit), Adopted 2017). A fourth credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

(A) English IV;

(B) Independent Study in English;

(C) Literary Genres;

(D) Creative Writing;

(E) Research and Technical Writing;

(F) Humanities;

(G) Public Speaking III;

(H) Communication Applications, which must be combined with another half credit from the other courses listed in subparagraphs (A)-(G) and (I)-(S) of this paragraph;

(I) Oral Interpretation III;

(J) Debate III;

(K) Independent Study in Speech;

(L) Independent Study in Journalism;

(M) Advanced Broadcast Journalism III;

(N) Advanced Journalism: Newspaper III;

(O) Advanced Journalism: Yearbook III;

(P) a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation;

(Q) a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.39 of this title (relating to English Language Arts and Reading, English IV (One Credit), Adopted 2017);

(R) after the successful completion of English I, II, and III, a locally developed English language arts course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the Texas Education Code (TEC), §28.002(g-1);

(S) Business English; and

(T) a college preparatory English language arts course that is developed pursuant to the TEC, §28.014.

(2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry.

(A) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses or a credit selected from the courses listed in subparagraph (B) of this paragraph:

(i) Mathematical Models with Applications;

(ii) Mathematical Applications in Agriculture, Food, and Natural Resources;

(iii) Digital Electronics;

(iv) Financial Mathematics;

(v) Applied Mathematics for Technical Professionals;

(vi) Accounting II;

(vii) Manufacturing Engineering Technology II; and

(viii) Robotics II.

(B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

(i) Algebra II;

(ii) Precalculus;

(iii) Advanced Quantitative Reasoning;

(iv) Independent Study in Mathematics;

(v) Discrete Mathematics for Problem Solving;

(vi) Algebraic Reasoning;

(vii) Statistics;

(viii) a comparable AP mathematics course that does not count toward another credit required for graduation;

(ix) AP Computer Science A;

(x) IB Computer Science Higher Level;

(xi) Engineering Mathematics;

(xii) Statistics and Business Decision Making;

(xiii) Mathematics for Medical Professionals;

(xiv) Discrete Mathematics for Computer Science;

(xv) pursuant to the TEC, §28.025(b-5), after the successful completion of Algebra II, a mathematics course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this clause; and

(xvi) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).

(C) One credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) may satisfy the additional mathematics credit.

(3) Science--three credits. One credit must consist of Biology or a comparable AP or IB biology course.

(A) One credit must be selected from the following laboratory-based courses:

(i) Integrated Physics and Chemistry;

(ii) Chemistry;

(iii) Physics;

(iv) Physics for Engineering; and

(v) a comparable AP or IB chemistry or physics course that does not count toward another credit required for graduation.

(B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following laboratory-based courses:

(i) Chemistry;

(ii) Physics;

(iii) Aquatic Science;

(iv) Astronomy;

(v) Earth Systems Science;

(vi) Environmental Systems;

(vii) Specialized Topics in Science;

(viii) a comparable AP science course that does not count toward another credit required for graduation;

(ix) Advanced Animal Science;

(x) Advanced Plant and Soil Science;

(xi) Anatomy and Physiology;

(xii) Medical Microbiology;

(xiii) Pathophysiology;

(xiv) Food Science;

(xv) Forensic Science;

(xvi) Biotechnology I;

(xvii) Biotechnology II;

(xviii) Physics for Engineering;

(xix) Scientific Research and Design;

(xx) Engineering Design and Problem Solving;

(xxi) Engineering Science;

(xxii) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The TEA shall maintain a current list of courses offered under this clause;

(xxiii) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1); and

(xxiv) one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science).

(C) Credit may not be earned for both physics and Physics for Engineering to satisfy science credit requirements.

(4) Social studies--three credits.

(A) One credit must consist of §113.41 of this title (relating to United States History Studies Since 1877 (One Credit), Adopted 2022) until superseded by §113.24 of this title (relating to United States History Studies (One Credit), Adopted 2026).

(B) One-half credit must consist of United States Government.

(C) Beginning with students who enter Grade 9 in the 2026-2027 school year or later:

(i) one-half credit must be selected from the following:

(I) §113.49 of this title (relating to Personal Financial Literacy (One-Half Credit), Adopted 2016) until superseded by §113.26 of this title (relating to Applied Personal Financial Literacy (One-Half Credit), Adopted 2026); or

(II) §113.76 of this title (relating to Personal Financial Literacy and Economics) until §113.26 of this title is implemented; and

(ii) one credit must be selected from the following:

(I) World History Studies;

(II) World Geography Studies; or

(III) Foundations of Economics.

(D) For students who entered Grade 9 prior to the 2026-2027 school year:

(i) one-half credit must be selected from the following:

(I) Economics with Emphasis on the Free Enterprise System and Its Benefits; or

(II) Personal Financial Literacy/Economics; and

(ii) one credit must be selected from the following:

(I) World History Studies; or

(II) World Geography Studies.

(E) A comparable AP or IB social studies course selected from Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) or an advanced level course offered as dual credit as referenced in §74.11(i) of this title (relating to High School Graduation Requirements) that does not count toward another credit required for graduation may satisfy a credit identified in subparagraphs (A), (B), (C), or (D) of this paragraph.

(5) Languages other than English (LOTE)--two credits.

(A) The credits may be selected from the following:

(i) any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or

(ii) two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.

(B) A single two-credit IB LOTE course may only satisfy one LOTE requirement.

(C) If a student, in completing the first credit of LOTE, demonstrates that the student is unlikely to be able to complete the second credit, the student may substitute another appropriate course as follows:

(i) Special Topics in Language and Culture;

(ii) World History Studies or World Geography Studies for a student who is not required to complete both by the local district;

(iii) another credit selected from Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or

(iv) computer programming languages, including computer coding.

(D) The determination regarding a student's ability to complete the second credit of LOTE must be agreed to by:

(i) the teacher of the first LOTE credit course or another LOTE teacher designated by the school district, the principal or designee, and the student's parent or person standing in parental relation;

(ii) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or

(iii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(E) A student, who due to a disability, is unable to complete two credits in the same language in a language other than English, may substitute a combination of two credits that are not being used to satisfy another specific graduation requirement selected from English language arts, mathematics, science, or social studies or two credits in career and technical education for the LOTE credit requirements. The determination regarding a student's ability to complete the LOTE credit requirements will be made by:

(i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or

(ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(F) A student who successfully completes a dual language immersion/two-way or dual language immersion/one-way program in accordance with §89.1210(d)(3) and (4) of this title (relating to Program Content and Design), §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), and §89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation) at an elementary school may satisfy one credit of the two credits required in a language other than English.

(i) To successfully complete a dual language immersion program, a student must:

(I) have participated in a dual language immersion program for at least five consecutive school years;

(II) achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on both the mathematics and reading State of Texas Assessments of Academic Readiness (STAAR®) in English or Spanish, as applicable, in at least one grade level; and

(III) achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.

(ii) The second credit of a language other than English must be in the same language as the successfully completed dual language immersion program.

(G) A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English.

(6) Physical education--one credit.

(A) The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

(i) Lifetime Fitness and Wellness Pursuits;

(ii) Lifetime Recreation and Outdoor Pursuits; and

(iii) Skill-Based Lifetime Activities.

(B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.

(C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:

(i) Athletics;

(ii) Junior Reserve Officer Training Corps (JROTC); and

(iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.

(I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

(II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

(D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:

(i) Drill Team;

(ii) Marching Band; and

(iii) Cheerleading.

(E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

(F) Credit may not be earned more than once for the courses identified in subparagraph (A)(i) and (iii) of this paragraph. Credit may not be earned more than twice for the course identified in subparagraph (A)(ii) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.

(G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1), for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:

(i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;

(ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or

(iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.

(7) Fine arts--one credit.

(A) The credit may be selected from the following courses subject to prerequisite requirements:

(i) Art, Level I, II, III, or IV;

(ii) Dance, Level I, II, III, or IV;

(iii) Music, Level I, II, III, or IV;

(iv) Music Studies;

(v) Theatre, Level I, II, III, or IV;

(vi) Musical Theatre, Level I, II, III, or IV;

(vii) Technical Theatre, Level I, II, III, or IV;

(viii) IB Film Standard or Higher Level;

(ix) Floral Design;

(x) Digital Art and Animation; and

(xi) 3-D Modeling and Animation.

(B) In accordance with local district policy, credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course as defined by Chapter 117, Subchapter C, of this title (relating to High School).

(c) Elective courses--five credits. The credits must be selected from the list of courses specified in §74.11(g) or (h) of this title or from a locally developed course or activity developed pursuant to the TEC, §28.002(g-1), for which a student may receive credit and that does not satisfy a specific course requirement.

(d) Substitutions. No substitutions are allowed in the Foundation High School Program, except as specified in 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 July 10, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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SUBCHAPTER C. OTHER PROVISIONS

19 TAC §74.27

The State Board of Education (SBOE) adopts an amendment to §74.27, concerning innovative courses and programs. The amendment is adopted with changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1243) and will be republished. The adopted amendment updates the process for review and approval of proposed innovative courses and sunset of existing courses and updates requirements for implementation of approved innovative courses.

REASONED JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the SBOE to approve innovative courses. Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. TEA staff works with applicants to fine tune their applications, which are then submitted to the Committee on Instruction for consideration.

At the June 2023 meeting, the Committee on Instruction discussed an amendment to §74.27 to add a provision for the sunset of innovative courses that meet certain criteria. The board approved for second reading and final adoption the proposed amendment to §74.27 at its August-September 2023 meeting. At the November 2023 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §74.27, which included as a criterion for consideration for sunset a provision that a course must have been approved for at least three years and meet at least one additional criteria. When TEA staff filed the rule as adopted with the *Texas Register*, the filing did not include the provision that a course must have been approved for at least three years and meet at least one additional criteria to be considered for sunset. The amendment became effective February 18, 2024. In order to correct the error made by TEA, the board adopted an additional amendment effective November 10, 2024.

At the September 2025 meeting, the Committee on Instruction discussed the innovative course approval process and asked TEA staff to prepare a possible amendment to the rule for the committee to consider. At the November 2025 SBOE meeting, a proposed amendment to §74.27 was presented for first reading and filing authorization to the Committee on Instruction and recommended for SBOE approval. Due to a procedural error, the item was not approved by the SBOE at its general meeting. The proposed amendment to §74.27 was approved by the SBOE for first reading and filing authorization at its January 2026 meeting. At the April 2026 meeting, the board temporarily approved the proposed amendment to §74.27 for second reading and final adoption contingent upon approval by the Committee on Instruction within 60 days. At a special called meeting on April 21, 2026, the Committee on Instruction postponed second reading and final adoption of the proposed amendment to §74.27 until the June 2026 meeting.

The adopted amendment sets more specific criteria for a course to be considered by the board as an innovative course; establishes new timelines for SBOE action related to innovative courses; clarifies requirements related to instructional materials for innovative courses; and adjusts requirements for implementation of approved innovative courses.

The following changes were made since approved for first reading and filing authorization.

Subsection (a)(2)(A) was amended by changing the proposed application window from occurring every two years for new courses to occurring every year.

Subsection (a)(10) was amended by increasing the number of sunset criteria a course must meet to be considered for sunset from one to two.

The SBOE approved the amendment for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will allow for adjustments to be made, as necessary, to the process to be used for consideration of innovative courses in future school years. The effective date is August 1, 2026.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. One parent expressed concern that innovative courses could be used in place of career and technical education (CTE) courses for students in self-contained classrooms. The commenter suggested limiting innovative courses to areas of specialized student need such as "Independent Living" to ensure CTE is prioritized where appropriate.

Response. The SBOE disagrees that innovative courses should be limited to only courses that apply to specialized groups of students. The SBOE took action to approve §74.27(a)(1) as proposed to establish that in addition to a specialized group of students such as students with disabilities or gifted/talented students, innovative courses may also address documented student needs, generalized skills that prepare students for college and career, or a need identified in an emerging CTE field or regional program of study.

Comment. One community member expressed concern that subjecting a course to sunset review a year after the arduous renewal process is discouraging and could limit opportunities for students who rely on these courses.

Response. The SBOE provides the following clarification. The application renewal process does not exempt a course from consideration for sunset review. However, in response to this and other public comments, the SBOE took action to amend §74.27(a)(10) at adoption to increase the number of sunset criteria a course must meet to be considered for sunset from one to two.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.002(f), which authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education to be flexible in approving a course for credit for high school graduation.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.002(f).

§74.27. Innovative Courses and Programs.

(a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. After the State Board of Education (SBOE) approves an application for a new course or a renewal, a district shall obtain local board approval prior to offering the course.

(1) The SBOE may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates at least one of the following:

(A) is academically rigorous and addresses documented student needs;

(B) applies to a specialized group of students such as students with disabilities or gifted/talented students;

(C) is content agnostic and supports generalized skills that prepare students for career and/or college; or

(D) a need is identified in an emerging career and technical education (CTE) field or related to a regional program of study for a course that does not already exist as a Texas Essential Knowledge and Skills (TEKS)-based course.

(2) The SBOE shall take action related to innovative courses on the following timelines.

(A) An application window shall be made available every year for new courses.

(B) For existing courses, at the appropriate three-year or four-year mark as described by paragraph (8) of this subsection, the SBOE shall:

(i) invite the applicant to submit updates to be considered as part of a renewal;

(ii) set the course for expiration; or

(iii) initiate a process for the course to become a TEKS-based course.

(C) Notice of an upcoming application opportunity shall be published on the SBOE website at least six months in advance of the start of the application window.

(D) Applications for new courses and renewals shall be posted on the Texas Education Agency (TEA) website for public comment at least 30 days prior to SBOE action.

(E) Applications for new courses and renewals shall be approved not later than the January SBOE meeting for implementation of a course in the subsequent school year.

(3) Applications shall not be approved if the proposed course significantly duplicates the content of a TEKS-based course or can reasonably be taught within an existing TEKS-based course.

(4) To request approval from the SBOE, the applying school district or organization must submit a request for approval, including the following information, within the window designated by the SBOE:

(A) a description of the course and its essential knowledge and skills;

(B) the rationale and justification for the request in terms of student need;

(C) data that demonstrates successful piloting of the course in Texas;

(D) the methods of evaluating student outcomes;

(E) the qualifications of the teacher;

(F) any training required in order to teach the course and any associated costs;

(G) the amount of credit requested; and

(H) a copy of or electronic access to any teacher resources and student-facing instructional materials required to teach the course.

(5) To request approval for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

(6) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

(7) The requirements of paragraphs (4)(C) and (6) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.

(8) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of four years.

(9) Following SBOE approval, with the approval of the local board of trustees, a school district may offer, without changes or deletions to the approved standards and instructional materials, any state-approved innovative course.

(10) TEA shall review all approved innovative courses once every year and provide for consideration for sunset a list of innovative courses that have been approved as an innovative course for at least three years and meet at least two of the following criteria:

(A) zero enrollment for the previous two years;

(B) average enrollment of less than 100 students statewide for the previous three years;

(C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;

(D) duplicative of another innovative or TEKS-based course; or

(E) approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting for inclusion in the TEKS.

(1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by the SBOE.

(2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE approval of the innovative course.

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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PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 227. PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

SUBCHAPTER A. ADMISSION TO EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20, concerning admission to educator preparation programs (EPPs). The amendments to §§227.5, 227.10, 227.17, and 227.19; new §227.6; and the repeal of §227.20 are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1495) and will not be republished. Section 227.15 is adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1495) and will be republished. The adopted revisions update current requirements for candidate admission into EPPs to align with adopted revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and 19 TAC Chapter 230, Professional Educator Preparation and Certification, which are published in the Adopted Rules section of this issue. The adopted revisions implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an EPP and preliminary evaluation of certification eligibility.

Requirements in Subchapter A, Admission to Educator Preparation Programs, ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

At the September 19 and December 4-5, 2025 meetings, the SBEC discussed potential updates to 19 TAC Chapter 227 to align with revisions made to 19 TAC Chapters 228 and 230 and to implement HB 2, 89th Texas Legislature, 2025. The updates to 19 TAC Chapter 227 discussed included definitions, admission requirements for the Residency route, and contingency and formal admission requirements.

In response to subsequent updates in 19 TAC Chapter 228, additional refinements and revisions were adopted related to admissions requirements for other routes and to existing rules for clarity. Technical edits were also adopted to conform to *Texas Register* style requirements.

The following is a description of the adopted revisions to 19 TAC Chapter 227, Subchapter A.

Subchapter A, Admission to Educator Preparation Programs

§227.5. Definitions

The adopted amendments to §227.5 include the addition of definitions for Classroom Teacher, Late Hire, Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP) Program, PREP Alternative Preservice Program, PREP Residency Preservice Program, PREP Traditional Preservice Program, School Year, and Teacher of Record to align with requirements established by HB 2. The late hire definition was further updated to add the phrase "...and requires additional time to complete the pre-internship requirements" to clearly distinguish between a candidate who was hired late and did not complete pre-service requirements from a candidate who may have been hired late but who finished pre-service requirements prior to internship. Numbering of definitions was adjusted to accommodate the new definitions.

The adopted amendment to §227.5(1), Accredited Institution of Higher Education, increases clarity and consistency.

The adopted amendment to §227.5(2), Alternative Certification Route, clarifies and aligns the definition with requirements established by HB 2.

The adopted amendment to §227.5(6), Certification Class, clarifies the certification classes offered by EPPs.

Adopted new §227.5(7) adds a definition for Classroom Teacher and aligns with 19 TAC Chapter 228.

The adopted amendment to §227.5(8), Clinical Teaching, updates the definition to align with the revised definition in 19 TAC Chapter 228.

The adopted amendment to §227.5(11), Contingency Admission, removes the term "conditional" from the definition of Contingency Admission for clarity and consistency.

The adopted amendment to §227.5(12), updates the definition of EPP for clarity.

Adopted new §227.5(14), Graduate Degree, adds clarity to degree requirements for admissions.

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

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

§227.6. Implementation Date and §227.20. Implementation Date

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

§227.10. Admission Criteria

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

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

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

A refinement to adopted §227.10(a)(3)(C) clarifies the CTE certificate categories that are exempt from the minimum GPA requirement. The adopted amendment to §227.10(a)(3)(D) clarifies the GPA requirement.

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

The adopted amendment to §227.10(a)(8) and adopted new subsection (a)(9) separate the application submission and screening processes related to admission criteria. Adopted new subsection (a)(9) adds clarity to and elevates quality in requirements for the applicant screening process. Adopted new paragraph (9) resulted in shifting the numbering of the subsequent paragraph to paragraph (10).

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

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

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

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

§227.15. Contingency Admission

The adoption, including §227.15(a) and (e), addresses updates to preparation routes to align with new routes identified in HB 2 and refines some existing language for clarity.

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

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

At adoption, the amendment to §227.15(f) was updated to reflect the equivalent of a standard semester, which is identified as 16 weeks because the common calendar is no longer maintained by the Texas Higher Education Coordinating Board effective November 2024.

At adoption, new §227.15(g) was updated to clarify the consequence for a contingently admitted candidate if the required degree does not confer as expected as required in §227.15(f).

§227.17. Formal Admission

The adoption, including §227.17(f), addresses updates to preparation routes in alignment with new routes identified in HB 2 and refines some existing language for clarity.

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

§227.19. Incoming Class Grade Point Average

The adoption addresses updates to preparation routes in alignment with new routes identified in HB 2 and aligns revisions with the GPA language referenced in §227.10(a)(3).

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comment was received on the proposal.

Comment: An associate principal expressed general support for high-quality educator preparation and mentorship but raised concerns about implementation capacity, provider availability,

and quality assurance related to mentorship training. The comments did not oppose the proposed admission requirements.

Response: The SBEC disagrees. While the SBEC agrees with the importance of quality mentorship, mentorship training requirements and implementation timelines are addressed in Chapter 228. The proposed revisions in 19 TAC Chapter 227 focus on candidate admission criteria and alignment with statutory preparation routes.

The State Board of Education (SBOE) took no action on the review of the amendments to §227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20 at the June 26, 2026 SBOE meeting.

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

STATUTORY AUTHORITY. The amendments and new section are adopted under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

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

§227.15. Contingency Admission.

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

(1) the applicant is currently enrolled in and expects to complete the courses and other requirements for obtaining the minimum degree required for admission at the end of the semester in which admission to the program is sought;

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

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

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

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

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

(d) An applicant admitted on a contingency basis may begin program training and may be approved to take a certification examination but shall not be recommended for an intern or a probationary certificate until the EPP verifies on an official transcript that the required degree has been conferred.

(e) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP may admit an applicant if coursework and training was provided by the same institution of higher education (IHE) as part of:

(1) the degree to be conferred;

(2) prerequisite courses for a degree leading to initial certification; or

(3) a different program of study.

(f) An applicant to an EPP may be admitted contingently within 16 weeks of completing requirements for the degree required for admission.

(g) The EPP must collect an official transcript that reflects the required degree has been conferred. If the required degree is not conferred, the candidate must be removed from the EPP.

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 13, 2026.

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State Board for Educator Certification
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Proposal publication date: March 13, 2026
For further information, please call: (512) 475-1497

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19 TAC §227.20

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

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

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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CHAPTER 228. REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§228.2, 228.6, 228.15, 228.25, 228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.73, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109; the repeal of §228.39 and §228.71; and new §228.68, concerning requirements for educator preparation programs (EPPs). The amendments to §§228.2, 228.6, 228.15, 228.25, 228.33, 228.41, 228.43, 228.45, 228.57, 228.61, 228.63, 228.65, 228.67, 228.79, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109; the repeal of §228.39 and §228.71; and new §228.68 are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1503) and will not be republished. Sections 228.31, 228.35, 228.55, 228.73, and 228.81 are adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1503) and will be republished. The rules provide requirements and definitions as applicable to support EPPs and candidates in the successful implementation

of these rules. The adopted revisions implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228 establish the requirements for EPPs. HB 2, 89th Texas Legislature, Regular Session, 2025, introduced significant educator preparation reforms, including the Preparing and Retaining Educators Through Partnership (PREP) Allotment. PREP strengthens teacher recruitment, preparation, and mentorship, requiring SBEC to define new preparation routes, training standards, and quality review processes for EPPs.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential revisions to Chapter 228 to implement HB 2. The recommendations discussed were informed by legislative changes and stakeholder feedback. The following adopted revisions to 19 TAC Chapter 228, Subchapters A-F, incorporate both SBEC and stakeholder input. Technical edits such as updating cross references are also adopted to conform to *Texas Register* style requirements.

Subchapter A, General Guidance

§228.2. Definitions

The adopted revisions to §228.2 include updates to the definitions for alternative certification route, classroom teacher, cooperating teacher, formal admission, late hire, and post-baccalaureate program and clarify existing definitions or align the definitions with new route requirements in HB 2. The late hire definition was further updated to add the phrase "...and requires additional time to complete the pre-internship requirements" to clearly distinguish between a candidate who was hired late and did not complete pre-service requirements from a candidate who may have been hired late but who finished pre-service requirements prior to internship.

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

Adopted new §228.2(64) adds a definition for traditional route and clarifies that an EPP may have two traditional routes, the PREP traditional route in adopted new §228.2(50), which qualifies for the PREP allotment, and the traditional route in adopted new §228.2(64), which does not.

Adopted new §228.2(6) and (60) add definitions for asynchronous coursework and synchronous coursework, respectively, to provide guidance to EPPs to meet requirements in HB 2 that PREP programs and traditional programs must deliver coursework synchronously or be approved to offer coursework asynchronously.

The adopted amendments to §228.2(16), related to clock hours, and §228.2(19), related to cooperating teacher, add the new pre-internship clinical teaching requirement as part of the new preservice alternative certification route identified in HB 2.

The adoption strikes §228.2(10), related to candidate coach, and paragraph (33), related to intensive preservice, due to the adopted repeal of §228.39, Intensive Preservice, to provide for the new preservice alternative certification route identified in HB 2.

Adopted new §228.2(34) defines intern mentor teacher to distinguish a mentor that is supporting candidates in EPPs who are completing internships. This adopted new definition accommodates PREP Mentorship Program and rule updates in 19 TAC Chapter 153, School District Personnel.

The adopted revision to §228.2(39) strikes the definition for mentor and replaces it with a definition of mentoring educators to provide for a collective term for the variety of roles of campus support personnel, including cooperating teachers, host teachers, mentor teachers, and intern mentor teachers. This adopted revision accommodates PREP Mentorship Program and rule updates in Chapter 153.

§228.6. Implementation Date

The adopted updates to the implementation of requirements in this chapter include adding pre-internship clinical teaching to the list of assignments requiring formal observations that are required to be completed and reported by the EPP. The references to the formal observation requirements in §228.6(1)(A) were adjusted as a result of adopted revisions to those sections but the implementation requirements for formal observations are maintained. While the rule text maintains the transition runway for phasing out training under Legacy Chapter 228 with a deadline of August 31, 2026, an effective date was added for rules that specify the candidate must meet the requirements in this chapter that were in effect at the time the candidate was admitted into the EPP.

Subchapter B, Approval of Educator Preparation Programs

§228.15. Additional Approval

The adopted amendment to §228.15(b) requires the EPP seeking approval to implement an SBEC-approved residency program must include evidence of compliance with Chapter 227, Provisions for Educator Preparation Candidates, and addresses the addition of a statutory requirement for admission of candidates to the residency route.

The adopted revisions to §228.15(b)(1) provide the application process and requirements for previously approved residency programs to meet SBEC approval for the residency route in 2027-2028. Adopted new Figure: 19 TAC §228.15(b)(1) provides evidence needed by the EPP in the application process in 2027-2028.

The adopted revisions to §228.15(b)(2) and (3) incorporate the application process for the addition of new residency requirements related to HB 2 beginning 2028-2029 and application process and requirements for new residency program applicants. Revisions also reinforce that an EPP cannot be approved to offer a residency route if the EPP's accreditation status is Accredited Probation. Adopted new Figure: 19 TAC §228.15(b)(2) provides evidence needed by the EPP in the application process beginning 2028-2029.

The adopted amendment to §228.15(b)(4) and adopted new §228.15(b)(5) provide detail on how EPPs are held accountable for meeting ongoing requirements of an approved residency route.

Adopted new §228.15(c)(1)-(5) provide application requirements for SBEC approval of a preservice alternative certification route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency. Adopted new Figure: 19 TAC §228.15(c)(1) provides evidence needed by the EPP in the application process for 2027-2028 approval.

Adopted new Figure: 19 TAC §228.15(c)(2) provides evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Adopted new §228.15(d)(1)-(5) add application requirements for SBEC approval of a PREP traditional route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency and in adopted new §228.15(c)(1)-(5) for an SBEC approved preservice alternative certification route. Adopted new Figure: 19 TAC §228.15(d)(1) provides evidence needed by the EPP in the application process for 2027-2028 SBEC approval. Adopted new Figure: 19 TAC §228.15(d)(2) provides evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Adopted new §228.15(g) provides guidance for EPPs to apply for TEA approval to offer asynchronous coursework for routes that require coursework to be delivered synchronously, as established by HB 2.

Subchapter C, Administration and Governance of Educator Preparation Programs

§228.25. Governance of Educator Preparation Programs

Adopted new §228.25(e) provides guidance to EPPs approved to offer PREP traditional and preservice alternative certification routes related to the duration and quality of collaboration with partner local education agencies (LEA).

Subchapter D, Required Educator Coursework and Training

§228.31. Minimum Educator Preparation Program Obligations to All Candidates

Adopted new §228.31(d) provides clarification to EPPs that the EPP must maintain qualified instructors to deliver instruction to candidates and that EPP staff providing instruction in required content must apply for, attain, and maintain certification to provide that instruction, as required by HB 2.

Adopted new §228.31(e) implements the statutory requirement that the EPP must comply with the prohibitions and requirements under TEC, §28.0022(a)(1)-(4), related to instructional personnel and coursework. At adoption, a cross reference was updated in subsection (e). At adoption, a cross reference was updated in subsection (e).

§228.33. Preparation Program Coursework and/or Training for All Certification Classes

Adopted new §228.33(d) implements the statutory requirement in HB 2 that the EPP must be approved to offer coursework asynchronously for traditional and PREP traditional, residency, and preservice alternative certification routes.

§228.35. Substitution of Applicable Experience and Training

Adopted new §228.35(b) allows an uncertified teacher that has enrolled in the EPP to secure certification to substitute experience as a teacher of record for the required 50 hours of field-based experience in §228.43. At adoption, language was clarified so that candidates who meet these criteria and were admitted into the EPP on or after September 1, 2024, are eligible.

§228.39. Intensive Pre-Service.

The adopted repeal of §228.35 was necessary to implement the preservice alternative certification route statutorily required by HB 2.

§228.41. Preservice Coursework and Training for Classroom Teacher Candidates

The adopted amendment to §228.41(a)(2) updates the list of pedagogical skills in which candidates must be allowed to pursue proficiency during coursework and training that occurs before the required clinical experience. The adopted revisions align with recently adopted pedagogy standards in Chapter 235, Classroom Teacher Certification Standards.

Adopted new §228.41(b) reinforces that late hire candidates must complete the pre-service coursework and training but provides new flexibility that the requirements must be completed within the first half of the internship instead of the first 90 days.

Adopted new §228.41(c) implements the statutory requirement that candidates in the preservice alternative certification route must complete a portion of the required content from the Texas Reading Academies and Mathematics Achievement Academies to meet the preservice coursework and training requirement prior to beginning the required clinical experience.

§228.43. Preservice Field-Based Experiences for Classroom Teacher Candidates

Adopted new §228.43(a) reinforces the allowance in adopted new §228.35(b) that an uncertified teacher that has enrolled in the EPP to secure certification may substitute experience as a teacher of record for the required 50 hours of field-based experience detailed in this section. Adopted new §228.43(a) reinforces the allowance in adopted new §228.68(h) that a candidate completing the pre-internship clinical practice within the preservice alternative certification route is exempt from the required 50 hours of field-based experience.

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification

The adopted amendment to §228.45(c) updates the term "mentor" to "intern mentor teacher" to align with the new definition of the mentoring educator assigned to support a candidate completing an internship.

§228.55. Late Hire Candidates

The adopted amendment to the requirements in §228.55 reinforces that the late hire candidate may begin the internship under an intern certificate prior to completing the preservice coursework and training required in §228.41 and §228.43. The adopted amendment adds flexibility by allowing the late hire candidate to complete the required coursework and training within the first half of the internship and reinforce the existing requirement that the intern certificate must be deactivated if the candidate does not complete the preservice coursework and training as required. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

§228.57. Educator Preparation Curriculum

Adopted new §228.57(f) adds the curriculum requirements identified in HB 2 and establishes timelines for training content implementation specific to the preservice alternative certification route, the PREP traditional route, and the residency route. It additionally outlines the process for SBEC approval of training content.

Subchapter E, Educator Candidate Clinical Experiences

§228.61. Required Clinical Experiences

Adopted new §228.61(b) integrates the preservice alternative certification route required in HB 2 into the requirements for clinical experiences by adding that a candidate completing requirements in this route must also complete pre-internship clinical teaching, which is further detailed in adopted new §228.68.

§228.63. Locations for Required Clinical Experiences

The adopted amendment to §228.63 updates the list of locations of clinical experiences to integrate the new pre-internship clinical teaching requirement for the preservice alternative certification route and replaces references to the term "mentor" with "intern mentor teacher". The adopted amendment aligns with the requirements identified in HB 2 and related updates in Chapter 153. The adoption also updates the rule for candidates who seek to complete the required clinical experience outside of Texas by removing residency from the options. The residency route requires the EPP and LEA to partner, which is not feasible with school systems outside of Texas.

§228.65. Residency

The adopted amendment to §228.65(a)(3) provides flexibility to residency candidates who are pursuing a disciplinary degree in an educational setting outside of education (such as Biology or Mathematics) concurrent with certification by allowing a reduction of up to 50 clock hours of the residency assignment as needed by the candidate to complete degree requirements. This adopted amendment addresses stakeholder feedback regarding flexibilities needed for candidates earning a disciplinary degree with additional coursework to successfully complete the residency route certification requirements.

The adopted amendment to §228.65(g) clarifies language related to the types of certificates for which a successful residency candidate could qualify.

§228.67. Clinical Teaching

The adopted amendment to §228.67(b)(1) incorporates the new definition of intern mentor teacher.

Adopted new §228.67(b)(4) clarifies that a candidate may not change districts during the clinical teaching experience if the candidate is completing clinical teaching through a PREP traditional program. This revision honors the partnership between the district and the EPP.

The adopted amendment to §228.67(d) clarifies that increased instructional responsibility in clinical teaching includes opportunities for the candidate to lead classroom instruction.

§228.68. Pre-internship Clinical Teaching

Adopted new §228.68 incorporates the structure of the new preservice alternative certification route established by HB 2. The adoption outlines parameters for the "preservice" portion of the route requirement, which is a version of clinical teaching that candidates in this route will complete prior to beginning the internship portion of their training. The adopted requirements include the number of hours of preservice clinical teaching and the activities in which the candidate will engage and the support the candidate will receive during the experience.

Adopted new §228.68(g) carves out that a candidate who has completed a PREP Grow Your Own Program will be exempt from this pre-internship clinical teaching portion of the preservice alternative certification requirements. Adopted new §228.68(h) exempts candidates who complete the pre-internship clinical teaching portion of the preservice alternative certification requirements from the required 50 hours of field-based experiences in §228.41(a)(1).

§228.71. Exceptions to Clinical Teaching Requirement

The adopted repeal of §228.71 aligns with the routes and requirements established by HB 2.

§228.73. Internship

Adopted new §228.73(a) and (b) align the internship as the clinical experience type for candidates pursuing certification through the alternative certification routes and clarify the candidate must hold a conferred bachelor's degree to participate in an internship. The adoption adds a carve out for candidates in an alternative certification route who no longer qualify to complete an internship and thus must complete clinical teaching to finish requirements.

Adopted §228.73(c) and (d) identify the two alternative certification routes required by HB 2 and update language to reflect the type of intern certificate available to each route, including the intern certificate and the new intern with preservice certificate. The adopted amendment also updates the duration and assignment information to clarify that a one-year internship is required for either route and, additionally, establishes that the candidate in the preservice alternative certification route must complete the internship in one district, which honors the partnership for the purpose of qualifying for the PREP allotment. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

The internship extension requirements in adopted §228.73(h) are maintained with added clarification that the intern must not have exhausted the three years of eligibility to extend an internship or complete an additional internship. The clarification further bifurcates the options of extending the internship into a second year if the candidate has additional coursework or other requirements to complete vs. completing an additional internship, which will be required if the candidate's first internship was not successful. This is further detailed in adopted updates to the observation requirements in §228.109(b), which will require formal field supervision for a second internship if the first was unsuccessful but will not require formal supervision if the first internship was successful and the internship is extended to allow the candidate to finish other requirements. The adoption benefits the EPP due to the reduced cost of field supervision and benefits the candidate and district by allowing the candidate to hold an SBEC credential and maintain employment after the successful internship year is complete.

The adoption also updates the term "mentor" to "intern mentor teacher" to align with the change in definition of the mentoring educator supporting candidates in internships.

Adopted §228.73(i) adjusts the certificate deactivation requirements to add the flexibility for late hire candidates to complete pre-service requirements within the first half of the internship instead of the first 90 days of the internship.

Adopted §228.73(j) updates the certificate deactivation rules to align with the updated preservice coursework requirement for late hire candidates adopted in §228.41(b) and §228.55(c) by extending the time frame for completing preservice requirements from the first 90 days to the first half of the internship. The adopted changes to the certificate deactivation requirements in §228.73(j) also adds flexibility to the timeline for EPPs to notify the TEA to deactivate a certificate and address stakeholder feedback that the current timelines are difficult to meet.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates

The adopted amendment to §228.79(b) updates language related to a candidate pursuing certification as a Junior Reserve Officer Training Corps instructor.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher

The adopted amendment to §228.81(c) clarifies the two types of certificates available to candidates pursuing certification in a class other than teacher who meet the requirements for the certificate. The adopted amendment is applicable to candidates who seek to complete a practicum while employed in a role that requires an SBEC credential. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

Subchapter F, Support for Candidates During Required Clinical Experiences

§228.91. Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors

The adopted amendment to §228.91 updates language throughout this section to change the term "mentor" to "intern mentor teacher" to align with the new definition in §228.2 and apply the term "mentoring educators" when collectively referring to requirements for the campus personnel supporting teacher candidates in clinical experiences. The adopted updates also reflect new requirements established by HB 2, including the addition of the pre-internship clinical experience as a clinical experience that requires a cooperating teacher, and add clarification that a mentoring educator must agree to be assigned to support the candidate during the clinical experience.

The adopted amendment to §228.91(e) and adopted new subsection (f) clarifies training requirements for mentoring educators and site supervisors to add the requirement for PREP routes that mentoring educators must be trained through *Texas Mentorship Training* and provides a timeline for phasing in the *Texas Mentorship Training*.

§228.93. Cooperating Teacher Qualifications and Responsibilities

The adopted amendment to §228.93 adds co-teaching to increase clarity around the duties of a cooperating teacher, updates the term "mentor" to "intern mentor teacher" to align with changes in terminology, and adds pre-internship clinical teaching as required by the preservice alternative certification route established by HB 2. The adoption also requires that cooperating teachers supporting candidates in PREP programs complete *Texas Mentorship Training*.

§228.95. Host Teacher Qualifications and Responsibilities

The adopted amendment to §228.95(a)(3) details the *Texas Mentorship Training* requirements for host teachers supporting candidates in residency assignments, including an implementation runway for completing the first training, as required by HB 2.

§228.97. Intern Mentor Teacher Qualifications and Responsibilities

The adopted amendment to §228.97 includes updating the term "mentor" to "intern mentor teacher" to align with changes to that terminology and revising qualification requirements to align with requirements in Chapter 153.

The changes to adopted §228.97(a)(3) and (b)(2) and (3) add requirements established by HB 2 for intern mentor teachers supporting candidates in the preservice alternative certification route, including a training requirement that intern mentor teachers must complete *Texas Mentorship Training* and the addition of duties of an intern mentor teacher to align with requirements in TEC, §21.458(f).

§228.101. Field Supervisor Qualifications and Responsibilities

The adopted amendment to §228.101 clarifies qualifications for field supervisors of candidates in PREP routes and updates the term "mentor" to "intern mentor teacher" to align with new terminology in §228.2.

The adopted amendment to §228.101(b)(1) extends the timeline for field supervisors to renew the TEA-approved training to the next year. Additional adopted updates provide options for field supervisors to credit training in areas such as T-TESS certification and other approved agency training to count as a portion of the TEA-approved field supervisor training.

The adopted revisions to §228.101(b)(4) and (5) add pre-internship clinical teaching and the preservice alternative certification route to the requirements for formal and informal observations conducted by the field supervisor. Adopted revisions to §228.101(b)(5) add flexibility for candidates in the alternative certification route completing internships by reducing the number of informal observations from three per semester of the internship to two per semester. Updates to §228.101(b)(6) align formatting with other similar rules but retains the informal observation requirement for candidates who are late hires to maintain the added support needed for late hire candidates as they enter the classroom with minimal formal training.

Adopted new subsection (b)(8) establishes that candidates in the pre-internship clinical teaching assignment are required to have informal observations conducted by field supervisors, including feedback on candidate progress toward mastering the competencies identified in §228.41 required for all preservice candidates.

Adopted §228.101(b)(9), (11), and (12) update guidance related to collaboration between field supervisors and mentoring educators, and feedback provided to mentoring educators and other campus or district staff related to candidate performance to ensure that field supervisors and mentoring educators collaborate and communicate regularly in support of the candidate. Adopted subsection (b)(12) defines requirements for field supervisors of candidates in PREP routes and requires the field supervisor to have collaborative meetings with campus supervisors at least three times per semester and with the mentoring educator at least two times monthly.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification

The adopted amendment to §228.105 integrates the pre-internship clinical teaching experience requirement for the preservice alternative certification route established by HB 2 into the field supervisors' requirement for formal observations in §228.105(a) and clarifies that the field supervisor must provide a copy of the written feedback resulting from a formal observation to the mentoring educator supporting the candidate in any type of clinical experience.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments

The adopted amendment to §228.107 integrates the pre-internship clinical teaching experience requirement for the preservice alternative certification route into the formal observation schedule for clinical teaching and requires one formal observation during the pre-internship clinical teaching assignment.

§228.109. Formal Observations for Candidates in Internship Assignments

The adopted amendment to §228.109(b) reduces the number of formal observations required for candidates holding a two-year intern certificate who are not late hires from five observations to four for both the initial internship and an additional internship that is required when the first internship was not successful. The adopted amendment adds flexibility and reduces cost for EPPs.

Adopted new §228.109(c) maintains observation requirements for late hire candidates. The adoption requires the field supervisor to conduct five total observations during the internship as is currently required. The number of formal observations for late hire candidates are not reduced to maintain a higher level of support for the candidates who may lack formal training prior to beginning the internship.

The adopted amendment to §228.109(d) extends the modified observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and requires one additional observation per semester for the second subject area.

Adopted new §228.109(e) and (f) implement the formal observation requirements for the internship for candidates holding an intern with preservice certificate while pursuing certification through the preservice alternative certification route. In addition to the one formal observation adopted during the pre-internship clinical teaching portion of the training detailed in §228.107(e), the adopted observation schedule for the internship requires four formal observations during the full school year internship, with two in the first half of the internship and two in the last half. Adopted new subsection (f) extends the observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and requires one additional observation per semester for the second subject area.

Adopted new §228.109(g) and (h) establish requirements for formal observations of candidates completing an internship under a probationary certificate. The adoption reorganizes current subsection (e) to adopted new subsection (g) to improve overall readability; however, the observation requirement of five total observations, three in the first half of the internship and two in the last half of the internship has not changed. Adopted new subsection (h) identifies requirements for candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area, requiring one additional observation per semester for the second subject area. The adoption also aligns language across subsections (d), (f), and (h).

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026, meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Clint Independent School District (ISD), Teach For America, Lone Star College Alternative Teacher Certification Program (ATCP), EdTrust Educator Advisory Council, Texas Association of Teacher Educators (TxATE), associate and assistant deans and directors of Texas (ADoT), and a teacher resident expressed broad support for the proposed revisions and described them as an important step toward strengthening educator preparation, clarifying expectations for EPPs, and reinforcing strong partnerships between school districts and EPPs. The commenters emphasized that the revisions align with workforce needs, improve candidate readiness, and support long-term teacher retention across Texas.

Response: SBEC agrees. The revisions to Chapter 228 operationalize HB 2, Article 2, which intends to strengthen the teacher workforce by investing in teacher recruitment, preparation, and mentoring programs. The revised requirements strengthen educator preparation by setting expectations for EPPs to offer PREP routes, reinforcing district-EPP partnerships, and aligning preparation pathways with state workforce needs. The rules are intended to improve candidate readiness, consistency of preparation, and teacher retention while supporting scalable, high-quality preparation models across Texas.

Comment: Clint ISD, Hearne ISD, Teach For America, Lone Star College ATCP, and EdTrust Educator Advisory Council emphasized that effective mentorship is one of the most critical factors in new teacher success and retention. While strongly supporting the increased focus on mentorship requirements, the commenters cautioned that successful implementation will depend on sufficiently training providers, clear expectations for mentors, adequate funding, stipends, and time for mentors to fulfill their roles without compromising instructional responsibilities.

Response: The SBEC agrees. High-quality mentorship is critical to beginning teacher success and retention. The proposed rules intentionally raise expectations for mentorship preparation and consistency. The SBEC acknowledges concerns regarding implementation capacity and notes that phased implementation timelines, approved provider processes, and continued coordination with districts and EPPs are designed to support scalability while maintaining quality. Funding mechanisms and operational guidance are addressed through implementation support rather than in rule.

Comment: Lone Star College ATCP, EdTrust Educator Advisory Council, and a teacher resident expressed support for the integration of reading and math academies content into preservice coursework, rather than treating it as separate professional development. The commenters stated that embedding this training within EPP curricula ensures candidates enter classrooms with consistent, evidence-based instructional practices and reduces duplicative onboarding costs for districts.

Response: The SBEC agrees. Integrating reading and math academies content into preservice coursework strengthens candidate preparedness and aligns preparation with evidence-based instructional practices. Embedding this content within EPP curricula promotes coherence between preservice training and clinical experiences while reducing duplication of professional development for districts.

Comment: Disability Rights Texas, Lone Star College ATCP, EdTrust Educator Advisory Council, a literacy and dyslexia advocate, and an educator requested that the SBEC use Chapter 228 as an enforceable policy lever to require strong preparation in evidence-based literacy instruction. The commenters empha-

sized that inconsistent or optional standards undermine student outcomes and that accreditation and certification requirements should clearly signal mastery of the science of reading.

Response: The SBEC agrees. Strong preparation in evidence-based literacy instruction is essential for educator effectiveness and student outcomes. HB 2 requires all Early Childhood-Grade 3 and Early Childhood-Grade 6 candidates in PREP programs to complete the Texas Reading and Math Academies and instructors of those courses to be trained and certified to deliver the course content. The revisions to Chapter 228 advance this goal by strengthening preservice training requirements in the PREP routes aligned with this statute. EPP review and approval processes will ensure effective implementation of the required training content.

Comment: Clint ISD, Hearne ISD, Teach For America, TxATE, ADoT, and a teacher resident highlighted the value of paid residencies and PREP-funded preparation routes in building sustainable teacher pipelines. The commenters noted that structured clinical experiences, combined with compensation and strong district and EPP partnerships, improve recruitment, preparedness, and retention, particularly in high-need districts.

Response: The SBEC agrees. Paid residencies and PREP-funded pathways are effective strategies for building sustainable educator pipelines, particularly in high-need areas. The revisions to Chapter 228 are designed to provide clarity, flexibility, and consistency for these models while ensuring rigorous clinical experience, supervision, and feedback requirements that support candidate development and retention.

Comment: The Association of Texas Professional Educators and Texas Classroom Teachers Association supported the intent of the proposed coursework requirements but urged SBEC to maintain balance between lesson internalization and lesson design. The commenters emphasized the importance of preserving teacher professional judgment and ensuring that preparation standards do not unintentionally narrow instructional practice.

Response: The SBEC agrees. Both lesson internalization and lesson design are important instructional competencies and are included in the current standards in Chapter 235, Classroom Teacher Certification Standards, Subchapter C, Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12. The revisions to Chapter 228 are intended to ensure candidates can effectively use high-quality instructional materials and prepare meaningful instruction, where use of professional judgement is necessary, within the first 150 hours of coursework. The SBEC will continue to consider alignment across chapters to avoid redundancy and unintended narrowing of instructional practice.

Comment: Disability Rights Texas, Shiro Volunteer Fire Department, and Teach For America offered targeted feedback requesting clarification or expansion of specific competencies or pathways. The commenters focused on ensuring that preparation standards adequately address crisis intervention for students with disabilities, workforce eligibility issues, and alignment with certain career and technical education (CTE) and certification pathways.

Response: The SBEC agrees. Crisis intervention skills, workforce pathways, and CTE alignment are important considerations. Where appropriate and authorized by statute, TEA may address these issues through guidance, future rulemaking, or coordination with other certification chapters. Some recommendations from commenters extend beyond the scope of Chapter 228 and are, therefore, more appropriately addressed outside the proposed rulemaking.

Comment: An individual commented on their need to attend college in 2026.

Response: The comment is outside the scope of SBEC authority and proposed rulemaking.

The State Board of Education (SBOE) took no action on the review of the amendments to §§228.2, 228.6, 228.15, 228.25, 228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.73, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, and 228.109; the repeal of §228.39 and §228.71; and new §228.68 at the June 26, 2026 SBOE meeting.

SUBCHAPTER A. GENERAL GUIDANCE

19 TAC §228.2, §228.6

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher

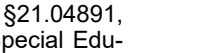
preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

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 13, 2026.

TRD-202602864
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497



SUBCHAPTER B. APPROVAL OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.15

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit is-

sued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; 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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 13, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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Proposal publication date: March 13, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER C. ADMINISTRATION AND GOVERNANCE OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.25

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. 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§21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

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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 13, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: August 2, 2026
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For further information, please call: (512) 475-1497

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SUBCHAPTER D. REQUIRED EDUCATOR COURSEWORK AND TRAINING

19 TAC §§228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which

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§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

(a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.

(b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.

(c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.

(d) The EPP must maintain qualified instructors delivering the subject-matter required in §228.57 of this title (relating to Educator Preparation Curriculum). EPP staff providing instruction in required

content identified in §228.57(f) of this title for Preparing and Retaining Educators Through Partnership (PREP) routes must apply for and successfully earn certification from the agency to provide that instruction and maintain certification.

(e) The EPP must comply with the prohibitions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), regarding instructional personnel and coursework as required in TEC, §21.0443(b)(3). The EPP must attest to their compliance by September 1, 2026.

(f) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.

(g) The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.

(h) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:

(1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;

(2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and

(3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.

(i) An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.

(j) An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.

(k) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

(l) During the period of preparation, the EPP shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.35. Substitution of Applicable Experience and Training.

(a) Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

(1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;

(2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and

(3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

(b) An EPP may allow a candidate who is employed as an uncertified classroom teacher, and who was employed as an uncertified teacher for at least the full school year preceding issuance of the intern certificate, to substitute service as a teacher of record for the field-based experiences required in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates). Candidates who meet these criteria and were admitted into the EPP on or after September 1, 2024, are eligible.

§228.55. Late Hire Candidates.

(a) A late hire for a school district teaching position may begin an internship under an intern certificate before completing the preservice coursework and training requirements under §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements by the end of the first half of the internship.

(b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of preservice coursework and training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.

(c) A candidate that does not complete the preservice requirements under §228.41 of this title and §228.43 of this title by the end of the first half of the internship as required in subsection (a) of this section is not qualified for the intern certificate. The educator preparation program shall then notify TEA staff to deactivate the intern certificate in accordance with §228.73(h) of this title (relating to Internship).

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

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Cristina De La Fuente-Valadez
Director, Rulemaking
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For further information, please call: (512) 475-1497

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19 TAC §228.39

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or

educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

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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SUBCHAPTER E. EDUCATOR CANDIDATE CLINICAL EXPERIENCES

19 TAC §§228.61, 228.63, 228.65, 228.67, 228.68, 228.73, 228.79, 228.81

STATUTORY AUTHORITY. The amendments and new section are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC,

§21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.73. Internship.

(a) A candidate completing an alternative certification program or a preservice alternative certification program must complete an internship. A candidate in an alternative certification program who has exhausted the three years available to complete an internship as identified in §230.36 of this title (relating to Intern Certificates) or §230.37 of this title (relating to Probationary Certificates) may complete clinical teaching if the educator preparation program (EPP) is approved to offer clinical teaching as identified in §228.15 of this title (relating to Additional Approval).

(b) With the exception of candidates pursuing certification in areas that do not require a bachelor's degree as identified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)), a candidate must hold, at minimum, a conferred bachelor's degree to participate in an internship.

(c) While participating in an internship, a candidate must hold the appropriate intern certificate or probationary certificate, or for candidates pursuing certification through the preservice alternative certification route, an intern with preservice certificate, that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The EPP must verify and document that the candidate's intern, intern with preservice, or probationary certificate is active prior to the start of the internship assignment.

(d) The duration of the internship must be a minimum of one full school year and must be completed in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(1) A candidate completing an internship through the preservice alternative certification route while holding the intern with preservice certificate as described in §230.36 of this title must complete the internship in one full school year in one school district.

(2) A candidate completing an internship through an alternative certification route may complete the full school-year internship while holding an intern certificate or a probationary certificate.

(e) An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.

(f) The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.

(g) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:

(1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;

(2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(3) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and

(5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.

(h) An EPP may extend the internship or recommend an additional internship if:

(1) the candidate has not exhausted the number of years allowed in a classroom prior to achieving a standard certificate as required in §230.36 of this title and in §230.37 of this title; and

(2) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's intern mentor teacher, and the EPP implements the plan during the additional internship; or

(3) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the extended internship. EPPs are not required to provide formal observations of candidates who are completing an extension following a successful internship year but must provide ongoing support as needed while the candidate is in the assignment.

(i) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship or internship extension, including formal observations required in §228.109(b) of this title (relating to Formal Observations for Candidates in Internship Assignments) for candidates completing an additional internship that must be completed due to an unsuccessful first internship as described in subsection (h)(2) of this section, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;

(2) the candidate resigns, is non-renewed, or is terminated by the school or district;

(3) the candidate is discharged or is released from the EPP;

(4) the candidate withdraws from the EPP;

(5) the candidate is a late hire and fails to meet the pre-internship requirements within the first half of the internship in accordance with §228.55 of this title (relating to Late Hire Candidates); or

(6) the internship assignment does not meet the requirements described in this subchapter.

(j) If the candidate leaves the internship assignment for any of the reasons identified in subsection (i)(2)-(6) of this section:

(1) the candidate must inform the EPP within 10 business days of the candidate's last day in the assignment; and

(2) the TEA must receive the certificate deactivation request with all related documentation from the EPP, in a format determined by the TEA, within 15 business days of the candidate's last day of employment or within 15 business days from the date the EPP receives notification of the candidate's last day of employment.

(k) The EPP must communicate the requirements in subsection (j) of this section to candidates and campus or district personnel prior to the assignment start date.

(l) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.

(m) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

(a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.

(b) A practicum may not take place exclusively during a summer recess.

(c) An intern certificate or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).

(d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:

(1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or

(2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.

(e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.

(f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

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

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Cristina De La Fuente-Valadez
Director, Rulemaking
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For further information, please call: (512) 475-1497

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19 TAC §228.71

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification;

TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

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

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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SUBCHAPTER F. SUPPORT FOR CANDIDATES DURING REQUIRED CLINICAL EXPERIENCES

19 TAC §§228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate

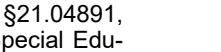
support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

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

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Cristina De La Fuente-Valadez
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CHAPTER 230. PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, concerning professional educator preparation and certification. The amendments to §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1539) and will not be republished. The adopted amendments update rule language to implement provisions from House Bill (HB) 2 and HB 1178, 89th Texas Legislature, Regular Session, 2025, and include edits previously discussed by the SBEC.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter E, Educational Aide Certificate, define the three levels of certification and provide general guidance and requirements for certifi-

cate issuance. The SBEC rules in 19 TAC Chapter 230, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, define certification requirements for out-of-state individuals.

HB 2, 89th Texas Legislature, Regular Session, 2025, is a comprehensive school finance bill that supports students and infuses more dollars and resources into Texas public schools, providing critical support in key areas, including educator preparation. HB 1178, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to establish and immediately issue a temporary certificate for educators certified by other states who apply for a Texas certificate issued under provision of TEC, §21.052.

The following adopted amendments to 19 TAC Chapter 230, Subchapters D, E, and H, support the implementation of applicable statutory requirements and align, where appropriate, with revisions to 19 TAC Chapter 227 and Chapter 228, which are published in the Adopted Rules section of this issue. Technical edits are also adopted to conform to *Texas Register* style requirements.

Subchapter D, Types and Classes of Certificates Issued

§230.36. Intern Certificate

The adopted amendment to §230.36(c)(3) updates information related to the term of an intern certificate to specify that, for assignments beginning with the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, and candidates pursuing certification in non-teacher classes.

The adopted amendment to §230.36(c)(4)(A) and (B) strikes language that limited the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The adopted amendment to §230.36(e) strikes the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for intern certificate issuance.

The adopted amendment to §230.36(e)(2)(B) updates the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in educator preparation programs (EPPs).

The adopted change to §230.36(f) strikes language specific to intensive preservice and creates adopted new §230.36(f) to add language for the new intern with preservice certificate specified in HB 2. Adopted new subsection (f) aligns with additional information about the new preservice certification route, created by HB 2, outlined in the adopted changes to 19 TAC Chapter 228.

§230.37. Probationary Certificate

The adopted amendment to §230.37(c)(4)(A) and (B) strikes language that limited the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The adopted amendment to §230.37(e) strikes the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for probationary certificate issuance.

The adopted amendment to §230.37(e)(2)(B) updates the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in EPPs.

The adopted amendment to §230.37(f) strikes in its entirety the text related to a probationary certificate for intensive preservice, which eliminates the previously approved intensive preservice option.

Subchapter E, Educational Aide Certificate

§230.53. Procedures in General

Adopted new §230.53(f) adds language to allow issuance of the Educational Aide I certificate to high school students who may be younger than 18 years of age and meet all requirements for issuance of an industry-based certification. Texas Education Agency (TEA) staff worked closely with agency colleagues responsible for the College, Career, and Military Readiness (CCMR) initiatives on the adopted changes specific to the educational aide certificate, which is limited to Subchapter E to avoid confusion in the field and ensure that changes are codified in the rule chapter specific to the certificate being discussed.

Adopted new §230.53(g) and (h) accommodate updates made to former subsections (f) and (g) based on the addition of new subsection (f).

§230.55. Certification Requirements for Educational Aide I

The adopted amendment to §230.55(3) strikes the reference to "18 years of age or older" to reflect that high school students younger than 18, who meet all requirements to qualify for an industry-based certification, are eligible for recommendation by a district for issuance of an Educational Aide I certificate. These students are subject to the completion of fingerprinting and criminal history background check processes prior to being eligible for SBEC certificate issuance.

Adopted new §230.55(4) strikes and replaces previous language to mirror CCMR requirements for all other industry based-certifications since the CCMR indicator to grant a district credit toward its accountability ratings is the high school student being a program of study completer plus the aligned and earned industry-based certifications (IBC), specifically the Educational Aide I certificate issued by the SBEC. The new language updates the list of applicable courses to maintain clarity in the field and to ensure that districts and students have the guidance needed to positively contribute to and benefit from the IBC certification process.

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

§230.111. General Provisions

The adopted amendment to §230.111(a) adds the words "a valid" to align with language specified in HB 1178 that requires educators certified outside of Texas to have a valid, current license issued by another state department of education at the time that they apply to TEA for a review of their out-of-state credentials.

The adopted amendment to §230.111(c) adds "an expired certificate" to the list of credentials that cannot be accepted from educators certified outside of Texas and reinforces language specified in HB 1178 to ensure that all individuals transferring to Texas hold a valid, current certificate at the time of their application submission to TEA for a review of their out-of-state credentials.

The adopted amendment to strike §230.111(d) aligns with language specified in HB 1178 that requires educators certified outside of Texas to present a valid, current certificate as part of their application submission to TEA for a review of out-of-state credentials.

Adopted new §230.111(d) and (e) reorganizes former subsections (e) and (f) based on the deletion of former subsection (d).

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States

The adopted amendment to §230.113(b) adds language to specify that the one-year certificate can be issued immediately following the successful completion of the out-of-state credentials review and the fingerprinting and background check processes.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Eighty-one commenters, consisting of Texas teachers, EPP staff, counselors, and administrators, expressed support for the proposed changes to Chapter 230, including the proposed change to the age requirement for the Educational Aide I certificate. Commenters stated the benefit of the proposed change to both potential certificate holders and districts because many candidates turn 18 years of age after graduation, which currently creates multiple barriers for the candidate and the district.

Response: The SBEC agrees. The proposed changes to the age requirement for the Educational Aide I certificate for use as an industry-based credential will allow more high school students to receive the certificate and help increase future pipelines to the classroom.

Comment: A Texas administrator and teacher expressed concern that the listed courses in the proposal for a completer status was missing a Level 1 course requirement, Principles of Human Services. The commenter stated that removing this course would create additional cost and strain on rural districts that have used this course in their already established pathway to Educational Aide I certification.

Response: The SBEC disagrees. Principles of Human Services does not include Texas Essential Knowledge and Skills (TEKS) that are specific to education, teaching, or instructional practice. Consequently, this course has not historically been identified as a qualifying course for purposes of meeting the eligibility requirements for the Educational Aide I certification. Given the absence of TEKS alignment to education specific knowledge and skills, there is insufficient policy basis to support adding Principles of Human Services as a qualifying course.

The State Board of Education (SBOE) took no action on the review of the amendments to §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113 at the June 26, 2026 SBOE meeting.

SUBCHAPTER D. TYPES AND CLASSES OF CERTIFICATES ISSUED

19 TAC §230.36, §230.37

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.064, which states that the SBEC shall recognize a master teacher certificate until expiration and that the master teacher certificate is not eligible for the teacher incentive allotment; and TEC, §22.0831(c) and (f), which require the SBEC to review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041; 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.051; 21.064; and 22.0831(c) and (f).

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

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Cristina De La Fuente-Valadez
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SUBCHAPTER E. EDUCATIONAL AIDE CERTIFICATE

19 TAC §230.53, §230.55

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.041, which authorizes the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §21.041.

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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SUBCHAPTER H. TEXAS EDUCATOR CERTIFICATES BASED ON CERTIFICATION AND COLLEGE CREDENTIALS FROM OTHER STATES OR TERRITORIES OF THE UNITED STATES

19 TAC §230.111, §230.113

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.040(4), which requires the State Board for Educator Certification (SBEC) to develop and implement policies that clearly define the respective responsibilities of the board and the board's staff; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching Prekindergarten-Grade 6 must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.052(a)-(e), which outline the requirements and conditions under which the SBEC may issue a certificate to an educator who applies for a certificate and holds comparable credentials in another state or country; and TEC, §21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to establish a temporary certificate for immediate issuance to eligible educators licensed outside the state.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.040(4); 21.041; 21.048; 21.052(a)-(e); and 21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025.

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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CHAPTER 247. EDUCATORS' CODE OF ETHICS

19 TAC §247.2

The State Board for Educator Certification (SBEC) adopts an amendment to 19 Texas Administrative Code (TAC) §247.2, concerning the code of ethics and standard practices for Texas educators. The amendment to §247.2 is adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1547) and will be republished. The adopted amendment implements Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impacted the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics, which required updates due to the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following adopted amendment to §247.2 incorporates both SBEC and stakeholder input. This adoption also includes technical edits to update statutory citations and conform to Texas Register style requirements.

§247.2. Code of Ethics and Standard Practices for Texas Educators

Adopted new §247.2(1)(N) aligns the Educators' Code of Ethics to TEC, §11.005, and incorporates the prohibitions on diversity, equity, and inclusion duties.

Adopted new §247.2(1)(O) aligns the Educators' Code of Ethics to TEC, §11.401, and incorporates the prohibitions on assistance with social transitioning.

Adopted new §247.2(1)(P) aligns the Educators' Code of Ethics to TEC, §28.0043, and incorporates the restrictions on instruction regarding sexual orientation and gender identity.

Adopted new §247.2(1)(Q) aligns the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Adopted new §247.2(1)(R) adds a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The adopted amendment to §247.2(3)(H) updates the definition of appropriate educator student boundaries to include physical

proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or efforts to gain access alone with the student with no discernible purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges. At adoption, a technical edit was made to correct a typographical error in paragraph (3)(H)(ii).

The adopted amendment to §247.2(3)(I) updates the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Texas Classroom Teachers Association (TCTA) opposed the addition of proposed new §247.2(1)(N)-(Q), Standards 1.14-1.17, stating that existing standards already require compliance with state and federal law and that the proposed additions are redundant.

Response: The SBEC disagrees. While current ethics standards require general compliance with the law, the Texas Legislature directed the SBEC to adopt rules implementing specific statutory changes. The proposal provides clarity and transparency regarding conduct that may result in disciplinary action.

Comment: Texas American Federation of Teachers (Texas AFT) requested additional modifications to proposed new §247.2(1)(R), Standard 1.18, including removing "advocate or encourage" regarding actions by an educator, removing "or visible," and modifying the language of "directly related to student behavior or school property." Texas AFT stated that these changes are recommended on the basis that they are essentially the same and may result in "hairsplitting" by the SBEC and TEA staff.

Response: The SBEC disagrees. Each term under Standard 1.18 serves a distinct purpose and, even if overlapping, the conduct would still constitute a single violation. "Reasonably accessible" does not replace "visible," and removing "visible" creates a loophole allowing misconduct to be excused despite student exposure. Finally, limiting the language to actions "by students" would imply educators may permissibly encourage non-students to engage in illegal conduct, including as it relates to school property.

Comment: TCTA expressed concerns that ethics standards in proposed new §247.2(1)(R) related to the promotion of illegal conduct may be overly broad and could implicate educators' First Amendment rights. TCTA recommended narrowing the language and reducing redundancy.

Response: The SBEC disagrees. The proposed language reflects revisions from earlier drafts to provide greater specificity and address stakeholder feedback regarding scope and clarity. The proposed language appropriately balances educator rights with the responsibility to protect students. Antithetically, this would seem to imply that promoting, advocating, or encouraging illegal conduct is permissible as long as it does not cause a significant disruption to the learning environment.

Comment: Texas AFT raised concerns that the proposed language in §247.2(3)(H)(v), Standard 3.8, identifying favoritism through gifts, rewards, or privileges, could unintentionally apply to appropriate classroom incentives and management practices.

Response: The SBEC disagrees. The proposed language identifies factors that may indicate boundary concerns when evaluated in context and does not prohibit the appropriate use of instructional incentives. Determinations regarding educator conduct are made based on the totality of the circumstances.

The State Board of Education (SBOE) took no action on the review of the amendment to §247.2 at the June 26, 2026 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e),

which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than

48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§247.2. Code of Ethics and Standard Practices for Texas Educators.

Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

(B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

(J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

(K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history,

criminal history, and/or disciplinary record when applying for subsequent employment.

(L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

(M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

(N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

(O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

(P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

(Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

(R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

(i) described by TEC, §22A.201(a); or

(ii) directly related to student behavior or school property.

(2) Ethical Conduct Toward Professional Colleagues.

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

(H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

(3) Ethical Conduct Toward Students.

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

(C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

(E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

(H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;

(iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(v) showing favoritism or isolation through gifts, rewards, or privileges.

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(i) the nature, purpose, timing, and amount of the communication;

(ii) the subject matter of the communication;

(iii) whether the communication was made openly, or the educator attempted to conceal the communication;

(iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(v) whether the communication was sexually explicit;

(vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and

(vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

The agency certifies that legal counsel has reviewed the 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 13, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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CHAPTER 249. DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52, concerning enforcement actions and guidelines and temporary suspensions. The amendment to §249.14 and new §249.52 are adopted with changes since published as proposed in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1551) and will be republished. The amendment to §249.17 and new §249.51, are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1551) and will not be republished. The adopted revisions implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impacted the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 249 establish the minimum sanctions for violations of SBEC rules and the practice procedures for SBEC contested case proceedings, which required updates based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 249. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following adopted amendments to 19 TAC Chapter 249, Subchapter B, and new Subchapter F, incorporate both SBEC and stakeholder input. This adoption also includes technical edits to update statutory citations and conform to *Texas Register* style requirements.

Subchapter B, Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition

The adopted amendment to §249.14(d) updates the reporting requirements for superintendents and directors to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025. This includes the requirement to report within 48 hours, physical mistreatment of a student regardless of bodily injury, the requirement to report inappropriate communications, failure to maintain appropriate boundaries, and the requirement to report when the superintendent or director becomes aware of evidence that misconduct occurred.

The adopted amendment to §249.14(e) updates the reporting requirements to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

At adoption, language regarding reporting requirements was updated in subsections (d) and (e) to refer to TEC, §22A.051.

§249.17. Decision-Making Guidelines

The adopted amendment to §249.17(d)(1) updates the good cause factors for contract abandonment, including an update to the factor in subparagraph (B), which provides for good cause due to relocation of an educator or an educator's spouse because of a change in employers or location of employment, and other minor language changes required by HB 2, 89th Texas Legislature, Regular Session, 2025.

The adopted amendment to §249.17(l) adds a minimum sanction for a violation of TEC, §22A.055(f), of no less than a three-year suspension.

Additional technical edits were made to subsections (i) and (j) to update statutory citations to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Subchapter F, Temporary Suspensions

Adopted new Subchapter F provides rules related to temporary suspensions, as required by SB 571, 89th Texas Legislature, Regular Session, 2025.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat

Adopted new §249.51 adds a definition for continuing and imminent threat to the public welfare for purposes of temporary suspensions to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Adopted new §249.51(a) provides that if the SBEC or a committee designated by the SBEC has reason to believe that an educator is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as possible in accordance with TEC, §22A.202.

Adopted new §249.51(b) defines continuing and imminent threat to the public welfare as a real danger to students or the public from acts or omissions of the educator, which includes solicitation, engagement of a romantic relationship, abuse, or neglect; consideration of whether the harm alleged is more than abstract, hypothetical, or remote; may include both actions and inactions of the educator; consideration of whether the conduct occurred on or off a school campus; and whether there have been prior complaints, investigations, or discipline of the same or similar nature against the educator.

§249.52. Process for Temporary Suspension of a License or Permit

Adopted new §249.52 creates the process for temporary suspensions under TEC, §22A.202 and §22A.203, to reflect legislative changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

Adopted new §249.52(a) provides that the SBEC shall appoint a five-member temporary suspension committee. It also provides that, in the event of the recusal of a member of the committee or the inability of a committee member to attend a temporary suspension proceeding, the SBEC chair may appoint an alternate member.

Adopted new §249.52(b) provides that a with-notice hearing may include the presentation of evidence, deliberations, and an announcement of the committee's decision. It also provides that notice for a with-notice hearing must be sent to the respondent no less than 10 days before the hearing via electronic mail, but if the electronic mail is returned as undeliverable, the notice will be sent via certified mail.

Adopted new §249.52(c) provides that evidence at a temporary suspension proceeding be under the relaxed standard in TGC, §2001.081. At adoption, a technical edit was made to correct typographical errors.

Adopted new §249.52(d) provides that if a majority of the committee votes to temporarily suspend a license or a permit, the suspension shall have an immediate effect and that the committee chair will sign an order that will be sent to the respondent via electronic mail or first-class mail.

Adopted new §249.52(e) provides that a certificate or permit may be suspended without notice to the respondent under TEC, §22A.202(c), if at the time of the suspension, agency staff initiates proceedings at State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as practicable under TEC, Chapter 22A, and TGC, Chapter 2001.

Adopted new §249.52(f) provides that agency staff shall serve notice of a probable cause on a respondent in accordance with SOAH's rules. This amendment also provides that a respondent may request a continuance of or waive a probable cause hearing and if the Administrative Law Judge (ALJ) grants the continuance or respondent waives the hearing, the suspension remains in effect.

Adopted new §249.52(g) provides that at a probable cause hearing an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

Adopted new §249.52(h) provides that SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension date or the date of the final disposition as required by TEC, §22A.202 and §22A.203. This amendment also provides that, at this hearing, staff may present evidence of any additional violations related to the respondent.

Adopted new §249.52(i) provides that staff will send notice of the final hearing in accordance with SOAH's rules and that the respondent may request a continuance or waive the final hearing.

Adopted new §249.52(j) provides that after the final hearing, the ALJ shall issue a proposal for decision on the suspension and the proposal for decision may address any additional violations.

Adopted new §249.52(k) provides that for purposes of a suspension under TEC, §22A.203, a final disposition of a criminal case includes evidence of a final, non-appealable conviction; an acceptance and entry of a plea agreement; a dismissal; an acquittal; or a successful completion of deferred adjudication.

Adopted new §249.52(l) provides that a temporary suspension takes effect immediately and remains in effect until a final or superseding order of the committee or SBEC is entered; the staff received documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified; the prosecuting authority rejects the prosecution or charges are dismissed for a temporary suspension under TEC, §22A.203; or the ALJ issued an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Texas American Federation of Teachers (Texas AFT) and the Association of Texas Professional Educators (ATPE) stated that the definition of a continuing and imminent threat to public welfare lacks sufficient clarity and recommended limiting application to situations involving a real and immediate risk, particularly when an educator no longer has student contact.

Response: The SBEC disagrees. The rule establishes factors to evaluate whether an educator poses a continuing and imminent threat, consistent with statute. The SBEC believes the framework provides appropriate guidance while allowing flexibility to address varying factual circumstances.

Comment: Texas AFT and ATPE opposed including omissions or inactions as factors in determining whether an educator poses a continuing and imminent threat, asserting that such conduct does not reflect immediacy.

Response: The SBEC disagrees. The rule reflects statutory authority and allows consideration of omissions or inactions when such conduct may pose a serious risk to student or public welfare. Limiting consideration to affirmative acts could prevent the SBEC from addressing certain categories of harm. Additionally, the Texas Family Code defines abuse to include "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child."

Comment: ATPE raised due process concerns related to notice of temporary suspension hearings and requested that notice be provided through certified or registered mail rather than solely by

electronic means. ATPE also requested clarification regarding hearing timelines and notice when a suspension is lifted.

Response: The SBEC disagrees. The SBEC recognizes the importance of due process and reliable notice in disciplinary proceedings. The SBEC will continue to ensure that notice and hearing procedures comply with applicable statutory and administrative law requirements.

Comment: Texas AFT and ATPE stated that temporary suspension authority should be used sparingly and supported safeguards that protect students while preserving educator rights.

Response: The SBEC disagrees. Temporary suspension authority is intended to be used only in limited circumstances involving continuing and imminent threats to public welfare and mandated arrests. The proposed new rule establishes criteria and procedures to support consistent and appropriate application.

Comment: An individual expressed general support for clarifying disciplinary procedures and standards in Chapter 249 to improve transparency and consistency.

Response: The SBEC agrees. The revisions clarify procedures, align agency rules with statutory requirements, and promote consistent application of disciplinary standards.

The State Board of Education (SBOE) took no action on the review of the amendments to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52 at the June 26, 2026 SBOE meeting.

SUBCHAPTER B. ENFORCEMENT ACTIONS AND GUIDELINES

19 TAC §249.14, §249.17

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that

the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a

license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

(a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.

(b) Complaints against an educator, applicant, or examinee must be filed in writing.

(c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.

(d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within the time frame required by Texas Education Code (TEC), §22A.051, of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances:

(1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;

(2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:

(A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Texas Penal Code, Chapter 9, regardless of whether the conduct resulted in bodily injury;

(B) possessed, transferred, sold, or distributed a controlled substance;

(C) illegally transferred, appropriated, or expended school property or funds;

(D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

(E) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;

(F) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;

(G) committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

(H) solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

(3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.

(A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.

(C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation.

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by paragraph (2) of this subsection; or

(5) any other circumstances requiring a report under the TEC, §22A.051.

(e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school within the time frame required by TEC, §22A.051, and may be subject to sanctions for failure to do so.

(f) Pursuant to the TEC, §22A.051, a report filed under subsections (d) and (e) of this section must include:

(1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and

(2) the factual circumstances requiring the report and the subject of the report by providing the following available information:

(A) name and any aliases; certificate number, if any, or social security number;

(B) last known mailing address and home and daytime phone numbers;

(C) all available contact information for any alleged victim or victims;

(D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

(E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

(F) involvement by a law enforcement or other agency, including the name of the agency.

(g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

(h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.

(i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.

(j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

(1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, unless the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;

(2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and

(3) submits the following required attachments to the written complaint:

(A) the educator's resignation letter, if any;

(B) the agreement with the educator regarding the effective date of separation from employment, if any;

(C) the educator's contract; and

(D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).

(k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.

(1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:

(A) any conduct constituting a felony criminal offense;

(B) indecent exposure;

(C) public lewdness;

(D) child abuse and/or neglect;

(E) possession of a weapon on school property;

(F) drug offenses occurring on school property;

(G) sale to or making alcohol or other drugs available to a student or minor;

(H) sale, distribution, or display of harmful material to a student or minor;

(I) certificate fraud;

(J) state assessment testing violations;

(K) deadly conduct; and

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

(2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

(A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;

(B) contract abandonment; and

(C) code of ethics violations that do not constitute Priority 1 conduct.

(l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's cer-

tification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.

(m) The following procedures must be followed for placing an investigative notice on the educator's certification records.

(1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) Within 10 calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 calendar days why the notice should be removed from the educator's certification records.

(2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) At least 10 calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 calendar days why the notice should not be placed on the educator's certification records.

(3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.

(n) An investigative notice is subject to the following time limits.

(1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.

(2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

(3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.

(o) The TEA staff shall remove an investigative notice from an educator's certification records:

(1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or

(2) when the time limits for an investigative notice have been exceeded, if:

(A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and

(B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.

(p) Before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate.

(q) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title (relating to Disciplinary Action by State Board for Educator Certification). Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

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 13, 2026.

TRD-202602876
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: August 2, 2026
Proposal publication date: March 13, 2026
For further information, please call: (512) 475-1497

SUBCHAPTER F. TEMPORARY SUSPENSIONS

19 TAC §249.51, §249.52

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for pub-

lic school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the

agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.52. Process For Temporary Suspension of a License or Permit.

(a) For each temporary suspension proceeding, the State Board for Educator Certification (SBEC) shall appoint a five-member committee to consider the information and evidence presented by Texas Education Agency (TEA) staff. In the event of the recusal of a committee member or the inability of a committee member to attend a temporary suspension committee proceeding, the SBEC chair may appoint an alternate member to serve on the committee.

(b) A with-notice hearing may include activities such as presentation of evidence, deliberations, and announcement of the committee's decision. The committee has discretion over setting time limits and evidentiary determinations. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing via electronic mail. If the electronic notice is returned as undeliverable, the notice will be sent via certified mail.

(c) Evidence will be considered under a relaxed standard described in Texas Government Code (TGC), §2001.081, including information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs, necessary to ascertain facts not reasonably susceptible of proof under formal rules of evidence, and not precluded by statute.

(d) If a majority of the committee votes to temporarily suspend a license or permit, the suspension shall have immediate effect, and the chair of the committee will sign an order of temporary suspension. The order of temporary suspension shall be sent to the respondent via electronic mail or first-class mail.

(e) In accordance with Texas Education Code (TEC), §22A.202(c), a certificate or permit may be suspended without notice to the respondent if at the time of the suspension, TEA staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as possible under TEC, Chapter 22A, and TGC, Chapter 2001.

(f) Notice, continuance, and waiver of probable cause hearing. TEA staff shall serve notice of a probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the administrative law judge (ALJ) grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing.

(g) Probable cause hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

(h) Final hearing. SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension or the date of the final disposition if the temporary suspension is issued under TEC, §22A.203. At this hearing, TEA staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."

(i) Notice and continuance of final hearing. TEA staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing.

(j) Proposal for decision. Following the final hearing, the ALJ shall issue a proposal for decision on the suspension. The proposal for decision may also address any other additional violations related to the respondent.

(k) For purposes of suspension or restriction under TEC, §22A.203, final disposition of a criminal case includes evidence of:

(1) final, non-appealable conviction;

(2) acceptance and entry of a plea agreement;

(3) dismissal;

(4) acquittal; or

(5) successful completion of a deferred adjudication.

(l) A temporary suspension takes effect immediately and shall remain in effect until:

(1) a final or superseding order of the committee or SBEC is entered;

(2) the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or

(3) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

The agency certifies that legal counsel has reviewed the 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 13, 2026.

TRD-202602877
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 11. TEXAS BOARD OF NURSING

CHAPTER 216. CONTINUING COMPETENCY

22 TAC §§216.1, 216.5, 216.7 - 216.9, 216.11

Introduction. The Texas Board of Nursing (Board) adopts amendments to 22 Texas Administrative Code §§216.1, 216.5, 216.7, 216.8, 216.9, and 216.11, without changes to the proposed text published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1789), as corrected by the *Texas Register's* Correction of Error (51 TexReg 4612). The rule will not be republished.

Reasoned Justification. The Texas Board of Nursing (Board) adopts amendments to Board Rules §§216.1, 216.5, 216.7 - 216.9 and 216.11 to implement the requirements of Senate Bill 912, which added Texas Occupations Code §§112.101-112.106. This bill requires the Board to establish a continuing education tracking system to verify that licensees have complied with continuing competency requirements prior to renewal of a license. The amendments to 22 Texas Administrative Code Chapter 216, relating to Continuing Competency, implement Senate Bill 912 by establishing and integrating a continuing education tracking system for verifying licensee compliance.

Section by Section Overview.

Section 216.1 contains definitions for Chapter 216. The Board revises the definition of "Audit" to clarify that audits may involve a general review of licensees and monitoring of the continuing education tracking system vendor, rather than being limited to a random sampling conducted during a biennial licensing period. The amendments also add a new definition for "Continuing education tracking system," defined as an electronic system established by the Board in accordance with Texas Occupations Code §§112.104 and 112.105. Existing definitions in the section are renumbered as necessary to accommodate the addition of the new term.

Section 216.5 establishes additional methods by which a licensee may demonstrate compliance with continuing competency requirements, other than by submitting evidence of completed continuing nursing education (CNE) hours or an approved national nursing certification. The amendments to §216.5 transition documentation requirements for these alternative methods from the current reactive, audit-based submission process to a proactive requirement that licensees upload sufficient documentation and information to the continuing education tracking system. Under the amendments, licensees are required to upload documentation verifying completion of qualifying academic courses, development or presentation of approved programs, and publication of eligible manuscripts, rather than submitting documentation only upon audit.

Section 216.7 establishes the responsibilities of individual licensees with respect to recordkeeping and verification of continuing competency activities. The amendments to §216.7 clarify these responsibilities by maintaining the requirement that licensees retain records of general continuing nursing education activities for a minimum of three consecutive licensing periods, while proposing removal of language specifying forms of documentation to be submitted upon audit. The amendments also add a provision requiring licensees to upload all documentation and information necessary to verify completion of continuing competency requirements to the continuing education tracking system prior to license renewal or reactivation.

Section 216.8 establishes the process for renewal, reactivation, and other forms of relicensure. The amendments to §216.8 incorporate use of the continuing education tracking system into the relicensure framework by proposing that licensees attest, upon renewal, that they have complied with the requirement to upload verification documentation to the tracking system. The amendments further require that licensees seeking renewal of a delinquent license or reactivation of an inactive license upload sufficient documentation to the tracking system to verify completion of required continuing education or maintenance of approved national nursing certification. Additional conforming amendments align the renewal, delinquency, and reactivation processes with the verification framework.

Section 216.9 establishes the Board's audit process for verifying compliance with continuing competency requirements. The amendments to §216.9 align the audit process with the continuing education tracking system by proposing that the Board review documentation and information previously uploaded to the system and request additional materials as necessary to verify compliance. The amendments also remove obsolete provisions describing prior random sampling procedures and specific submission formats in order to comport with the proposed continuing education tracking system procedures.

Section 216.11 establishes the consequences of noncompliance with continuing competency requirements. The amendments to §216.11 clarify that failure to demonstrate compliance upon audit, falsely attesting to completion of continuing competency requirements, or falsification of records would constitute unprofessional conduct and grounds for disciplinary action, in addition to denial of license renewal.

Public Comment. The Board received no comments on the adoption of these amendments.

Statutory Authority. These amendments are adopted under the authority of Texas Occupations Code §§301.151, 301.303, 112.104 & 112.106.

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 13, 2026.

TRD-202602878
James W. Johnston
General Counsel
Texas Board of Nursing
Effective date: September 1, 2026
Proposal publication date: March 20, 2026
For further information, please call: (512) 305-6879

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PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 501. RULES OF PROFESSIONAL CONDUCT

SUBCHAPTER D. RESPONSIBILITIES TO THE PUBLIC

22 TAC §501.81

The Texas State Board of Public Accountancy adopts an amendment to §501.81 concerning Firm Licensing, with changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3671) and will be republished.

CPAs providing accounting services in a non-licensed firm may use their CPA designation so long as they provide the disclaimer that the firm they are practicing in is not a CPA firm. The proposed revision reduces the location of the disclaimer and the font size of the disclaimer.

Four comments were received regarding adoption of the amendment.

Comments received: The TXCPA asks that the Board consider:

Placing the responsibility on the non-CPA firm, as opposed to the individual licensee, to disclose that a licensed CPA is practicing through a non-licensed firm in a non-licensed firm's advertising.

Providing the public with greater direction on what constitutes the practice of public accountancy through the Board's Frequently Asked Questions section of the Board's website.

Removing 501.81 subsection (f) since the proposed revision in 501.81(c) places the responsibility of the disclosure statement on the non-CPA firm as opposed to the licensee.

Comments Received:

The AICPA has made a similar comment as the TXCPA. Their comment states they strongly support licensee's being able to use their CPA title regardless of their employer.

Comment Received:

Jennifer Johnson, CPA, Dallas, Texas provided a comment in support of the proposed rule revision. She stated that she is in favor of the proposed revision as a practical change to remove the overly burdensome formatting in the current rule.

Comment Received:

Tonya M. Payne, CPA, Pipe Creek, Texas, stated that she believes the current rule is clear and is preferable to the proposed language and would open the door to unlicensed CPA firms and non-CPA firms being able to advertise as if they were a CPA firm if they have a CPA on staff. She is concerned that Private Equity is driving the rule change.

Response:

In response to the comments the Board is proposing to revise the proposed rule to place the responsibility on the non-registered entity to assure the public is made aware that the non-registered entity is not a CPA firm.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act. No other article, statute or code is affected by the adoption.

§501.81. Firm Licensing.

(a) A firm, may not provide or offer to provide attest services or use the title "CPA," "CPAs," "CPA Firm," "Certified Public Accountants," "Certified Public Accounting Firm," or "Auditing Firm" or any variation of those titles unless the firm holds a firm license issued by the board or qualifies under a practice privilege. A firm license is not valid for any date or for any period prior to the date it is issued by the board and it automatically expires and is no longer valid after the end of the period for which it is issued. A firm license does not expire when the application for license renewal is received by the board prior to its expiration date. An expiration date for a firm license may be extended by the board, in its sole discretion, upon a demonstration of extenuating circumstances that prevented the firm from timely applying for or renewing a firm license.

(b) A firm is required to hold a license issued by the board if the firm establishes or maintains an office in this state.

(c) When a CPA providing professional accounting services, as defined in §501.52(22) of the board's rules, exclusive of the attest service, holds out to the public in a non-registered entity, the non-registered entity must display the following disclaimer language: This firm is not a CPA firm and its services are not regulated by the Texas State Board of Public Accountancy.

(d) The requirement of subsection (c) of this section does not apply to a licensee performing services:

(1) as a licensed attorney at law of this state while in the practice of law or as an employee of a licensed attorney when acting within the scope of the attorney's practice of law;

(2) as an employee, officer, or director of a federally-insured depository institution, when lawfully acting within the scope of the legally permitted activities of the institution's trust department; or

(3) pursuant to a practice privilege.

(e) On the determination by the board that a person has practiced without a license or through an unlicensed firm in violation of subsection (c) of this section, the person's certificate shall be subject to revocation and may not be reinstated for at least 12 months from the date of the revocation.

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 9, 2026.

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J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
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For further information, please call: (512) 305-7848

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CHAPTER 515. LICENSES

22 TAC §515.8

The Texas State Board of Public Accountancy adopts an amendment to §515.8 concerning Retired or Disability Status, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3672) and will not be republished.

The proposed revised language clarifies that a faculty member of an educational institution providing accounting services to the public is associated with accounting services and therefore does not qualify for the CPA retired status.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

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J. Randel (Jerry) Hill
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For further information, please call: (512) 305-7848

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CHAPTER 518. UNAUTHORIZED PRACTICE OF PUBLIC ACCOUNTANCY

22 TAC §518.5

The Texas State Board of Public Accountancy adopts an amendment to §518.5 concerning Unlicensed Entities, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3674) and will not be republished.

Eliminates the font size and locations of the disclaimer advising the public that the licensed CPA is providing accounting services in a non-licensed firm.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

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For further information, please call: (512) 305-7848

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CHAPTER 523. CONTINUING PROFESSIONAL EDUCATION

SUBCHAPTER B. CONTINUING PROFESSIONAL EDUCATION RULES FOR INDIVIDUALS

22 TAC §523.113

The Texas State Board of Public Accountancy adopts an amendment to §523.113 concerning Exemptions from CPE, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3675) and will not be republished.

Section 901.003(c)(2) of the Public accountancy Act provides that faculty members of an educational institution, are not in the practice of public accountancy when they are performing duties as a faculty member. They may refer to themselves as a CPA if they are in fact a CPA of another state without the need for an individual license or firm license and are not required to obtain Continuing Professional Education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

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For further information, please call: (512) 305-7848

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 550. LICENSING STANDARDS FOR PRESCRIBED PEDIATRIC EXTENDED CARE CENTERS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §550.5, concerning Definitions; §550.304, concerning Administrator Responsibilities; §550.406, concerning Student Nurses; §550.413, concerning Contractors; §550.415, concerning Staffing Policies for Staff Orientation, Development, and Training; §550.417, concerning Personnel Records; and §550.418, concerning Criminal History Checks, Nurse Aide Registry, Medication Aide Registry, and Search Engine for Multi-Agency Reportable Conduct Requirements.

Section 550.418 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2185). This rule will be republished.

Sections 550.5, 550.304, 550.406, 550.413, 550.415, and 550.417 are adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2185). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received comments regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician" in §550.5(25) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

Comment: The commenter suggested making changes to the term "nutritional counseling" in §550.5(57) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made changes to §§550.418(c)(1), 550.418(c)(3) and 550.418(c)(5)(A) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER A. PURPOSE, SCOPE, LIMITATIONS, COMPLIANCE, AND DEFINITIONS

26 TAC §550.5

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

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) 438-3161

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SUBCHAPTER C. GENERAL PROVISIONS DIVISION 2. ADMINISTRATION AND MANAGEMENT

26 TAC §550.304

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

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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DIVISION 3. NURSING AND STAFFING REQUIREMENTS

26 TAC §§550.406, 550.413, 550.415, 550.417, 550.418

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

§550.418. Criminal History Checks, Nurse Aide Registry, Medication Aide Registry, and Search Engine for Multi-Agency Reportable Conduct Requirements.

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

(1) Applicant means any individual applying for a position in a center.

(2) Employee means an individual directly employed by a center, a volunteer, or a contractor.

(b) The provisions in this subsection apply to an applicant and an employee.

(1) A center must conduct a criminal history check authorized by, and in compliance with, THSC Chapter 250 for an applicant for employment and an employee.

(2) A center must not employ an applicant whose criminal history check includes a conviction listed in THSC §250.006 that bars employment or a conviction the center has determined is a contraindication to employment. If an applicant's or employee's criminal history check includes a conviction of an offense that is not listed in THSC §250.006, the center must document its review of the conviction and its determination of whether the conviction is a contraindication to employment.

(3) The center must immediately discharge an employee when the center becomes aware that the employee's criminal history check reveals conviction of a crime that bars employment or that the center has determined is a contraindication to employment.

(c) The provisions in this subsection apply to an applicant and an employee.

(1) Before a center hires an applicant, the center must search the Nurse Aide Registry (NAR), Medication Aide Registry (MAR), and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under THSC Chapter 810 to verify if the applicant is employable. If the applicant's name is on the NAR or MAR as unemployable, the center must not hire the applicant. If the applicant's name is listed in the SEMARC, the applicant is unemployable, and the center must not hire the applicant.

(2) The center must provide new employees information about the SEMARC within five business days after hiring an employee. This information must:

(A) be in writing;

(B) state that a person listed in the SEMARC established under THSC Chapter 810 is not employable by the center; and

(C) include a reference to Chapter 561 of this title (relating to Employee Misconduct Registry) and THSC Chapter 253.

(3) In addition to the initial verification of employability, the center must, at least once every 12 months, search the NAR and the SEMARC to determine if the employee remains employable.

(4) A center must suspend the employment of an employee who HHSC finds has engaged in reportable conduct while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, in accordance with THSC §253.004 or §253.005, pending a final decision by an administrative law judge. A center must not reinstate the employee's employment or contract during the course of any applicable appeals process.

(5) The center must immediately discharge an employee when the center becomes aware:

(A) that the employee is listed as unemployable on the Nurse Aide Registry or the employee's name is listed in the SEMARC; or

(B) that the employee's criminal history check reveals conviction of a crime that bars employment or that the center has determined is a contraindication to employment.

(d) Upon request by HHSC, a center must provide documentation to demonstrate compliance with subsections (b) and (c) of this section.

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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CHAPTER 553. LICENSING STANDARDS FOR ASSISTED LIVING FACILITIES
SUBCHAPTER E. STANDARDS FOR LICENSURE

26 TAC §553.257

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §553.257, concerning Personnel.

Section 553.257 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2194). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made a change to §553.257(a)(6) to remove an unnecessary cross-reference.

HHSC made changes to §§553.257(b)(2), 553.257(b)(3) and 553.257(b)(5) to clarify how to determine if a person is employable while performing required searches.

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §247.025, which authorizes the executive commissioner of HHSC to adopt rules for assisted living facilities.

§553.257. Personnel.

(a) Personnel records. A facility must keep current and complete personnel records on a facility employee for review by HHSC staff, including:

(1) documentation that the facility performed a criminal history check;

(2) an annual search of the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810;

(3) an annual nurse aide registry check;

(4) documentation of initial tuberculosis screenings referenced in this subchapter;

(5) documentation of the employee's compliance with or exemption from the facility vaccination policy referenced in this subchapter;

(6) a signed statement from the employee, acknowledging that the employee may be criminally liable for the failure to report abuse, neglect, and exploitation; and

(7) a signed disclosure statement, indicating whether the employee:

(A) has been convicted of an offense described in Texas Health and Safety Code §250.006; and

(B) has lived in a state other than Texas within the past five years.

(b) Investigation of facility employees.

(1) A facility must comply with the provisions of Texas Health and Safety Code Chapter 250.

(2) Before a facility hires an applicant, the facility must search the nurse aide registry (NAR) and the SEMARC to determine if the applicant is employable. If the applicant's name is on the NAR as unemployable, the facility must not hire the applicant. If the applicant's name is listed in the SEMARC, the applicant is unemployable, and the facility must not hire the applicant.

(3) A facility is prohibited from hiring or continuing to employ a person who is listed in the NAR as unemployable or is listed in the SEMARC. If a person has been convicted of an offense listed in Texas Health and Safety Code §250.006, the person cannot be hired or allowed to continue to work at the facility.

(4) A facility must provide notification about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information).

(5) In addition to the initial search of the NAR and the SEMARC, a facility must, at least once every 12 months, conduct a search of the NAR and the SEMARC to determine if the person remains employable.

(6) The facility must keep a copy of the results from the initial and annual search of the NAR and the SEMARC in each employee's file.

(7) If an applicant for employment indicates on the disclosure statement that the applicant has lived in another state within the past five years, the facility must conduct a name-based criminal history check in each state in which the applicant previously resided within the five-year period. A facility may hire the applicant pending the results of the name-based criminal history check in each state, but the employee must not be in a position that has direct contact with residents.

(8) If HHSC determines that a facility employee has engaged in reportable conduct, the facility must:

(A) suspend the employment of the employee while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review conducted in accordance with Texas Health and Safety Code §253.004 or §253.005, pending a final decision by an administrative law judge; and

(B) not reinstate the employee's employment during the course of any applicable appeals process.

(9) For the purpose of paragraph (8) of this subsection, reportable conduct includes:

(A) abuse or neglect that causes or may cause death or harm to a resident;

(B) sexual abuse of a resident;

(C) financial exploitation of a resident in an amount of $25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to a resident.

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) 438-3161



CHAPTER 554. NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §554.101, concerning Definitions; and §554.1921, concerning General Requirements for a Nursing Facility.

Section 554.1921 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2196). This rule will be republished.

Section 554.101 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2196). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received comments regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician" in §554.101(33) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future

rule project to ensure the public has the opportunity to comment on the proposed definition.

Comment: The commenter suggested making changes to the term "therapeutic diet" in §554.101(150) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made changes to §§554.1921(l), 554.1921(m) and 554.1921(o)(1) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER B. DEFINITIONS

26 TAC §554.101

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, which authorizes the executive commissioner of HHSC to adopt rules for nursing 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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SUBCHAPTER T. ADMINISTRATION

26 TAC §554.1921

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, which authorizes the executive commissioner of HHSC to adopt rules for nursing facilities.

§554.1921. General Requirements for a Nursing Facility.

(a) The facility must admit and retain only residents whose needs can be met through service from the facility staff, or in cooperation with community resources or other providers under contract.

(b) Individuals who have met the requirements of Chapter 303 of this title (relating to Preadmission Screening and Resident Review (PASRR)) and have mental or physical diseases, or both, that endanger other residents may be admitted or retained if adequate rooms and care are provided to protect the other residents.

(c) The term "hospital" may not be used as part of the name of a nursing facility unless it has been classified and duly licensed as a hospital by the appropriate state agency.

(d) A facility that ceases operation, temporarily or permanently, voluntarily or involuntarily, must provide notice to the residents and residents' relatives or responsible parties of closure. See §554.2310 of this chapter (relating to Nursing Facility Ceases to Participate) for additional notice requirements that apply to a Medicaid or Medicare certified facility.

(1) If the closure is voluntary, within one week after the date on which the decision to close is made, the facility must send written notice to residents' relatives or responsible parties stating that the closure will occur no earlier than 60 days after receipt of the notice.

(2) If the closure is involuntary, the facility must make the notification, whether orally or in writing, immediately on receiving notice of the closure.

(e) Each licensed facility must conspicuously and prominently post the information listed in this subsection in an area of the facility that is readily available to residents, employees, and visitors. The posting must be in a manner that each item of information is directly visible at a single time. In the case of a licensed section that is part of a larger building or complex, the posting must be in the licensed section or public way leading to it. Any exceptions must be approved by HHSC. The following items must be posted:

(1) the facility license;

(2) a complaint sign provided by HHSC giving the toll-free telephone number;

(3) a notice in a form prescribed by HHSC that inspection and related reports are available at the facility for public inspection;

(4) a concise summary prepared by HHSC of the most recent inspection report;

(5) a notice of HHSC toll-free telephone number 1-800-458-9858 to request summary reports relating to the quality of care, recent investigations, litigation or other aspects of the operation of the facility that are available to the public;

(6) a notice that HHSC can provide information about the nursing facility administrator at (512) 438-2015;

(7) if a facility has been ordered to suspend admissions, a notice of the suspension, which must be posted also on all doors providing public ingress to and egress from the facility;

(8) the statement of resident rights provided in §554.401 of this chapter (relating to Introduction) and any additional facility requirements involving resident rights and responsibilities;

(9) a notice that employees, other staff, residents, volunteers, and family members and guardians of residents are protected from discrimination or retaliation as provided by the Texas Health and Safety Code §260A.014 and §260A.015; and that the facility has available for public inspection a copy of the Texas Health and Safety Code Chapter 260A;

(10) a prominent and conspicuous sign for display in a public area of the facility that is readily available to the residents, employees, and visitors and that includes the statement: CASES OF SUS-

PECTED ABUSE, NEGLECT, OR EXPLOITATION SHALL BE REPORTED TO HHSC BY CALLING 1-800-458-9858;

(11) for a facility that advertises, markets, or otherwise promotes that it provides services to residents with Alzheimer's disease and related disorders, a disclosure statement describing the nature of its care or treatment of residents with Alzheimer's disease and related disorders in accordance with §554.403(n)(2) of this chapter (relating to Notice of Rights and Services);

(12) at each entrance to the facility, a sign that states that a person may not enter the premises with a handgun and that complies with Texas Government Code §411.204; and

(13) daily for each shift, the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. In addition, the nursing facility must make the information required to be posted available to the public upon request.

(f) The reports referenced in subsection (e)(3) of this section must be maintained in a well-lighted, accessible location and must include:

(1) a statement of the facility's compliance record that is updated at least bi-monthly and reflects at least one year's compliance record, in a form required by HHSC; and

(2) if a facility has been cited for a violation of residents' rights, a copy of the citation, which must remain in the reports until any regulatory action with respect to the violation is complete and HHSC has determined that the facility is in full compliance with the applicable requirement.

(g) The facility must inform the resident or responsible party or both upon the resident's admission that the inspection reports referenced in subsection (e)(3) of this section are available for review.

(h) A facility must provide the telephone number for reporting cases of suspected abuse, neglect, or exploitation to an immediate family member of a resident of the facility upon the resident's admission to the facility.

(i) A copy of the Texas Health and Safety Code Chapters 242 and 260A must be available for public inspection at the facility.

(j) Within 72 hours after admission, the facility must prepare a written inventory of the personal property a resident brings to the facility, such as furnishings, jewelry, televisions, radios, sewing machines, and medical equipment. See §554.416 of this chapter (relating to Personal Property).

(1) The facility does not have to inventory the resident's clothing; however, the operating policies and procedures must provide for the management of resident clothing and other personal property to prevent loss or damage.

(2) The facility administrator or his or her designee must sign and retain the written inventory and must give a copy to the resident or the resident's responsible party or both.

(3) The facility must revise the written inventory to show if property is lost, destroyed, damaged, replaced, or supplemented.

(4) Upon discharge of the resident, the facility must document the disposition of personal effects by a dated receipt bearing the signature of the resident or the resident's responsible party or both.

(k) Each facility must comply with the provisions of the Texas Health and Safety Code Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly or Persons with Disabilities).

(l) Before a facility hires an unlicensed employee, the facility must check the nurse aide registry (NAR) and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810 to determine if the person is employable. If the person's name is on the NAR as unemployable, the facility must not hire the person. If the person's name is listed in the SEMARC, the person is unemployable, and the facility must not hire the person.

(m) A facility is prohibited from hiring or continuing to employ a person who is listed in the NAR as unemployable or is listed in the SEMARC.

(n) A facility must provide notice about the SEMARC to an employee according to §561.3 of this title (relating to Employment and Registry Information).

(o) In addition to the initial search of the NAR and the SEMARC, a facility must:

(1) conduct a search of the NAR and the SEMARC to determine if an employee of the facility remains employable, at least once every 12 months.

(2) keep a copy of the results of the initial and annual searches of the NAR and the SEMARC in the employee's personnel file.

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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For further information, please call: (512) 438-3161

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CHAPTER 555. NURSING FACILITY ADMINISTRATORS

SUBCHAPTER C. LICENSES

26 TAC §555.42

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §555.42, concerning Alternate Licensing Requirements for Military Service Personnel.

Section 555.42 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2206). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches for nursing facility administrators.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

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 systems; Texas Health and Safety Code Chapter 810, which requires HHSC and HHSC Long-Term Regulation providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, Subchapter I, which authorizes the executive commissioner of HHSC to adopt rules for nursing facility administrators.

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 10, 2026.

TRD-202602844
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 30, 2026
Proposal publication date: April 3, 2026
For further information, please call: (512) 438-3161

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CHAPTER 556. NURSE AIDES

26 TAC §§556.3, 556.12 - 556.14

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §556.3, concerning Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements; §556.12, concerning Waiver, Reciprocity, and Exemption Requirements; §556.13, concerning Findings and Inquiries; and §556.14, concerning Alternate Licensing Requirements for Military Service Personnel.

Sections 556.3, 556.12, and 556.13 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2209). These rules will be republished.

Section 556.14 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2209). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code, Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) or HHSC must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rules.

HHSC made changes to §§556.3(v)(2), 556.12(a)(3), 556.12(b)(3), 556.12(c)(2), and 556.13(j) to clarify how to determine if a person is employable while performing required searches.

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §250.0035, which authorizes the executive commissioner of HHSC to adopt rules relating to the nurse aide registry.

§556.3. Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements.

(a) To train nurse aides, a nursing facility must apply for and obtain approval from HHSC to offer a NATCEP or contract with another entity offering a NATCEP. The nursing facility must participate in Medicare, Medicaid, or both, to apply for approval to be a NATCEP.

(b) A person who wants to offer a NATCEP must file a complete NATCEP application with HHSC through the online portal.

(c) A person applying to offer a NATCEP must submit a separate NATCEP application through the online portal for each location at which training is delivered or administered.

(d) A NATCEP application must identify one or more facilities that the NATCEP uses as a clinical site. The clinical site must have all necessary equipment needed to practice and perform skills training.

(e) A NATCEP may offer clinical training hours in a laboratory setting under the following circumstances:

(1) no appropriate and qualified clinical site is located within 20 miles of the location of the NATCEP; or

(2) HHSC has determined that clinical training provided in a facility poses a risk to an individual's health or safety based on the existence of a disaster declared at the federal or state level. A NATCEP must request the ability to complete clinical training hours in a laboratory setting under the circumstances described in paragraph (1) of this subsection. HHSC will alert the public of the availability of laboratory training under the circumstances described in this paragraph.

(f) HHSC does not approve a NATCEP offered by or in a nursing facility if, within the previous two years, the nursing facility:

(1) has operated under a waiver concerning the services of a registered nurse under §1819(b)(4)(C)(ii)(II) or §1919(b)(4)(C)(i) - (ii) of the Act;

(2) has been subjected to an extended or partially extended survey under §1819(g)(2)(B)(i) or §1919(g)(2)(B)(i) of the Act;

(3) has been assessed a civil money penalty of not less than $5,000 as adjusted annually under 45 Code of Federal Regulations (CFR) Part 102 for deficiencies in nursing facility standards, as described in §1819(h)(2)(B)(ii) or §1919(h)(2)(A)(ii) of the Act;

(4) has been subjected to denial of payment under Title XVIII or Title XIX of the Act;

(5) has operated under state-appointed temporary management to oversee the operation of the facility under §1819(h) or §1919(h) of the Act;

(6) had its participation agreement terminated under §1819(h)(4) or §1919(h)(1)(B)(i) of the Act; or

(7) pursuant to state action, closed or had its residents transferred under §1919(h)(2) of the Act.

(g) Clinical training provided by a NATCEP in a facility other than a nursing facility must be provided under the direct supervision of the NATCEP instructor and cannot be delegated to any staff of the facility.

(h) A NATCEP using an assisted living facility as a clinical site may provide clinical training only in those services that are authorized to be provided to residents under Texas Health and Safety Code Chapter 247.

(i) A NATCEP using an intermediate care facility for an individual with an intellectual disability or related conditions as a clinical site may provide clinical training only in those services that are authorized to be provided to individuals under Texas Health and Safety Code Chapter 252.

(j) A NATCEP using a hospice inpatient unit as a clinical site may provide clinical training only in those services that are authorized to be provided to clients under Texas Health and Safety Code Chapter 142.

(k) A NATCEP using a general or special hospital as a clinical site may provide clinical training only in those services that are authorized to be provided to patients under Texas Health and Safety Code Chapter 241.

(l) A nursing facility that is prohibited from offering a NATCEP under subsection (f) of this section may contract with a person to offer a NATCEP in accordance with §1819(f)(2)(C) and §1919(f)(2)(C) of the Act so long as the person has not been employed by the nursing facility or by the nursing facility's owner and:

(1) the NATCEP is offered to employees of the nursing facility that is prohibited from training nurse aides under subsection (e) of this section;

(2) the NATCEP is offered in, but not by, the prohibited nursing facility;

(3) there is no other NATCEP offered within a reasonable distance from the nursing facility; and

(4) an adequate environment exists for operating a NATCEP in the nursing facility.

(m) A person who wants to contract with a nursing facility in accordance with subsection (l) of this section must submit a completed application to HHSC through the online portal in accordance with §556.4 of this chapter (relating to Filing and Processing an Application for a Nurse Aide Training and Competency Evaluation Program (NATCEP)) and include the name of the prohibited nursing facility in the application. HHSC may withdraw the application within two years of approving it if HHSC determines that the nursing facility is no longer prohibited from offering a NATCEP.

(n) A nursing facility that is prohibited from offering a NATCEP under subsection (f)(3) of this section may request a Centers for Medicare and Medicaid Services waiver of the prohibition related to the civil money penalty in accordance with §1819(f)(2)(D) and §1919(f)(2)(D) of the Act and 42 CFR §483.151(c) if:

(1) the civil money penalty was not related to the quality of care furnished to residents;

(2) the NATCEP submits a request to HHSC for the waiver; and

(3) the Centers for Medicare and Medicaid Services approves the waiver.

(o) A NATCEP must ensure the trainee has completed 100 hours of training. The 100 hours must include:

(1) 60 hours of classroom training:

(A) taught by the NATCEP either in-person or virtually; or

(B) completed by the trainee through HHSC's computer-based training (CBT) within the preceding 12 months; and

(2) 40 hours of clinical training provided by the NATCEP with at least one program instructor for every 10 trainees.

(p) A NATCEP that provides online training must:

(1) maintain records in accordance with subsection (z) of this section and otherwise comply with this chapter;

(2) adopt, implement, and enforce a policy and procedures for establishing that a trainee who registers in an online training is the same trainee who participates in and completes the course and that describe the procedures the NATCEP uses to:

(A) verify a trainee's identity;

(B) ensure protection of a trainee's privacy and personal information; and

(C) document the hours completed by each trainee; and

(3) verify on the NATCEP application that the online course has the security features required under paragraph (2) of this subsection.

(q) A NATCEP must teach the curriculum established by HHSC and described in 42 CFR §483.152. Except as provided in subsection (r) of this section, the NATCEP must include at least 16 introductory hours of classroom training in the following areas before a trainee has any direct contact with a resident:

(1) communication and interpersonal skills;

(2) infection control;

(3) safety and emergency procedures, including ways to assist someone who is choking, such as the Heimlich maneuver;

(4) promoting a resident's independence;

(5) respecting a resident's rights;

(6) basic nursing skills, including:

(A) taking and recording vital signs;

(B) measuring and recording height and weight;

(C) caring for a resident's environment;

(D) recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and

(E) caring for a resident when death is imminent;

(7) personal care skills, including:

(A) bathing;

(B) grooming, including mouth care;

(C) dressing;

(D) toileting;

(E) assisting with eating and hydration;

(F) proper feeding techniques;

(G) skin care; and

(H) transfers, positioning, and turning;

(8) mental health and social service needs, including:

(A) modifying the aide's behavior in response to a resident's behavior;

(B) awareness of developmental tasks associated with the aging process;

(C) how to respond to a resident's behavior;

(D) allowing a resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and

(E) using a resident's family as a source of emotional support;

(9) care of cognitively impaired residents, including:

(A) techniques for addressing the unique needs and behaviors of a resident with a dementia disorder, including Alzheimer's disease;

(B) communicating with a cognitively impaired resident;

(C) understanding the behavior of a cognitively impaired resident;

(D) appropriate responses to the behavior of a cognitively impaired resident; and

(E) methods of reducing the effects of cognitive impairments;

(10) basic restorative services, including:

(A) training a resident in self-care according to the resident's abilities;

(B) use of assistive devices in transferring, ambulation, eating, and dressing;

(C) maintenance of range of motion;

(D) proper turning and positioning in bed and chair;

(E) bowel and bladder training; and

(F) care and use of prosthetic and orthotic devices; and

(11) a resident's rights, including:

(A) providing privacy and maintenance of confidentiality;

(B) promoting the resident's right to make personal choices to accommodate the resident's needs;

(C) giving assistance in resolving grievances and disputes;

(D) providing needed assistance in getting to and participating in resident, family, group, and other activities;

(E) maintaining care and security of the resident's personal possessions;

(F) promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff; and

(G) avoiding the need for restraints in accordance with current professional standards.

(r) If a trainee completes HHSC's 60-hour classroom training CBT, a NATCEP must accept proof of completion of the CBT in lieu of the 16 introductory hours of classroom training in subsection (q) of this section and the eight hours of infection control training in subsection (u) of this section. The NATCEP must ensure that the trainee:

(1) only performs services for which the trainee has been trained and has been found to be proficient by a program instructor;

(2) is under the direct supervision of a licensed nurse when performing skills as part of a NATCEP until the trainee has been found competent by the program instructor to perform that skill;

(3) is under the general supervision of a licensed nurse when providing services to a resident after a trainee has been found competent by the program instructor; and

(4) is clearly identified as a trainee during the clinical training portion of the NATCEP.

(s) A NATCEP that fails to accept proof of completion of the classroom training in accordance with subsection (o)(1)(B) of this section may be subject to §556.8 of this chapter (relating to Withdrawal of Approval of a NATCEP).

(t) A NATCEP must have a program director and a program instructor when the NATCEP applies for initial approval by HHSC in accordance with §556.7 of this chapter (relating to Review and Reapproval of a Nurse Aide Training and Competency Evaluation Program (NATCEP)) and to maintain HHSC approval. The program director and program instructor must meet the requirements of §556.5(b) - (d) of this chapter (relating to Program Director, Program Instructor, Supplemental Trainers, and Skills Examiner Requirements).

(u) Except as provided in subsection (r) of this section, a NATCEP must teach eight hours of infection control that includes the proper use of personal protective equipment (PPE) before a trainee has any direct contact with a resident.

(v) A NATCEP must verify that a trainee:

(1) is not listed on the NAR in revoked status;

(2) is not listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; and

(3) has not been convicted of a criminal offense listed in Texas Health and Safety Code (THSC) §250.006(a) or convicted of a criminal offense listed in THSC §250.006(b) within the five years immediately before participating in the NATCEP.

(w) A NATCEP must ensure that a trainee:

(1) completes the first 16 introductory hours of training (Section I of the curriculum) before having any direct contact with a resident;

(2) only performs services for which the trainee has been trained and has been found to be proficient by a program instructor;

(3) is under the direct supervision of a licensed nurse when performing skills as part of the NATCEP until the trainee has been found competent by the program instructor to perform that skill;

(4) is under the general supervision of a licensed nurse when providing services to a resident after a trainee has been found competent by the program instructor; and

(5) is clearly identified as a trainee during the clinical training portion of the NATCEP.

(x) A NATCEP must submit a NATCEP application through the online portal to HHSC if the information in an approved NATCEP application changes. The NATCEP may not continue training or start new training until HHSC approves the change. HHSC conducts a review of the NATCEP information if HHSC determines the changes are substantive.

(y) A NATCEP must use HHSC Form 5497-NATCEP, Texas Nurse Aide Performance Record, to document major duties or skills taught, trainee performance of a duty or skill, satisfactory or unsatisfactory performance, and the name of the instructor supervising the performance. At the completion of the NATCEP, the trainee and the employer, if applicable, will receive a copy of the performance record. The NATCEP must maintain a copy of the performance record.

(z) A NATCEP must maintain records for each session of classroom training, whether offered in person or online, and of clinical training, and must make these records available to HHSC or its designees at any reasonable time.

(1) The classroom and clinical training records must include:

(A) dates and times of all classroom and clinical training;

(B) the full name and social security number of each trainee;

(C) a record of the date and time of each classroom and clinical training session a trainee attends;

(D) a final course grade that indicates pass or fail for each trainee; and

(E) a physical or electronic sign-in record for each classroom and clinical training session. An electronic sign-in must include a form of identity verification for the trainee conducted in compliance with the requirements of subsection (p)(2) of this section.

(2) If a trainee completes the classroom training by successfully completing HHSC's CBT, a NATCEP must retain records that include a copy of the trainee's certification of completion for the CBT. The certificate of completion must be issued by HHSC and include the date the trainee completed the CBT.

(3) A NATCEP must provide to HHSC, on the NATCEP application through the online portal, the physical address where all records are maintained and must notify HHSC of any change in the address provided.

(aa) A nursing facility must not charge a nurse aide for any portion of a NATCEP, including any fees for textbooks or other required course materials, if the nurse aide is employed by or has received an offer of employment from a facility on the date the nurse aide begins the NATCEP.

(bb) HHSC reimburses a nurse aide for a portion of the costs incurred by the nurse aide to complete a NATCEP if the nurse aide is employed by or has received an offer of employment from a nursing facility within 12 months of completing the NATCEP.

(cc) HHSC must approve a NATCEP before the NATCEP solicits or enrolls trainees.

(dd) HHSC approval of a NATCEP only applies to the required curriculum and hours. HHSC does not approve additional content or hours.

(ee) A new employee or trainee orientation given by a nursing facility to a nurse aide employed by the facility does not constitute a part of a NATCEP.

(ff) A NATCEP that provides training to renew a nurse aide's listing on the NAR must include training in geriatrics and the care of residents with a dementia disorder, including Alzheimer's disease.

§556.12. Waiver, Reciprocity, and Exemption Requirements.

(a) HHSC may waive the requirement for a nurse aide to take the NATCEP specified in §556.3 of this chapter (relating to Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements) and issue a certificate of registration and place a nurse aide on the Nurse Aide Registry (NAR) on active status if the nurse aide:

(1) submits proof of completing a nurse aide training course of at least 100 hours duration before July 1, 1989, through the online portal;

(2) submits HHSC Form 5506-NAR, Employment Verification, to HHSC through the online portal to document that the nurse aide performed nursing or nursing-related services for monetary compensation at least once every two years since July 1, 1989;

(3) is not listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810;

(4) has not been convicted of a criminal offense listed in Texas Health and Safety Code (THSC) §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years; and

(5) completes HHSC Form 5507-NAR, Waiver of Nurse Aide Training and Competency Evaluation Program, and submits it to HHSC through the online portal.

(b) HHSC issues the certificate of registration through the online portal and places a nurse aide on the NAR by reciprocity if:

(1) the nurse aide is listed as having active status on another state's registry of nurse aides;

(2) the other state's registry of nurse aides is in compliance with the Act;

(3) the nurse aide is not listed on the SEMARC;

(4) the nurse aide has not been convicted of a criminal offense listed in THSC §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years; and

(5) the nurse aide completes a Request for Entry on the Texas Nurse Aide Registry Through Reciprocity, via the online portal.

(c) A person is eligible to take a competency evaluation with an exemption from the nurse aide training specified in §556.3 of this chapter if the individual:

(1) meets one of the following requirements for eligibility:

(A) is seeking renewal under §556.9 of this chapter (relating to Certificate of Registration, Nurse Aide Registry, and Renewal);

(B) has successfully completed at least 100 hours of training at a NATCEP in another state within the preceding 24 months

but has not taken the competency evaluation or been placed on an NAR in another state;

(C) has successfully completed at least 100 hours of military training, equivalent to civilian nurse aide training, on or after July 1, 1989;

(D) has successfully completed an RN or LVN program at an accredited school of nursing in the United States within the preceding 24 months;

(i) is not licensed as an RN or LVN in the state of Texas; and

(ii) has not held a license as an RN or LVN in another state that has been revoked; or

(E) is enrolled or has been enrolled within the preceding 24 months in an accredited school of nursing in the United States and demonstrates competency in providing basic nursing skills in accordance with the school's curriculum;

(2) is not listed on the SEMARC;

(3) has not been convicted of a criminal offense listed in THSC §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years;

(4) submits documentation to verify at least one of the requirements in paragraph (1) of this subsection;

(5) arranges for a nursing facility or NATCEP to serve as a competency evaluation site; and

(6) before taking the competency evaluation, presents to the skills examiner an original letter from HHSC authorizing the person to take the competency evaluation.

§556.13. Findings and Inquiries.

(a) HHSC reviews and investigates allegations of abuse, neglect, or misappropriation of resident property by a nurse aide employed in a nursing facility. If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, before entry of the finding on the Nurse Aide Registry (NAR), HHSC provides the nurse aide an opportunity to dispute the finding through an informal review (IR) and a hearing as described in this section.

(b) If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, HHSC sends the nurse aide a written notice regarding the finding. The notice includes:

(1) a summary of the findings and facts on which the findings are based;

(2) a statement informing the nurse aide of the right to an IR to dispute HHSC findings;

(3) a statement informing the nurse aide that a request for an IR must be made within 10 days after the date the nurse aide receives the written notice; and

(4) the address and contact information where the nurse aide must submit a request for an IR.

(c) If a nurse aide requests an IR, HHSC sets a date to allow the nurse aide to dispute the findings of the investigation of abuse, neglect, or misappropriation of resident property. The nurse aide may dispute the findings by providing testimony, in person or by telephone, to impartial HHSC staff.

(1) If HHSC does not uphold the findings, HHSC notifies the nurse aide of the results of the IR and closes the investigation. HHSC does not record information related to the investigation in the NAR.

(2) If HHSC upholds the findings, HHSC notifies the nurse aide of the results of the IR. The nurse aide may request a hearing in accordance with subsection (d) of this section.

(3) If the nurse aide does not request an IR, or fails to appear for a requested IR, HHSC upholds the findings. The nurse aide may request a hearing in accordance with subsection (d) of this section.

(d) A nurse aide may request a hearing after receipt of HHSC notice of the results of an IR described in subsection (c)(2) of this section. Texas Administrative Code (TAC), Title 1, Chapter 357, Subchapter I (relating to Hearings Under the Administrative Procedure Act), and Chapter 110 of this title (relating to Hearings Under the Administrative Procedure Act) govern the hearing, except that a nurse aide must request a formal hearing within 30 days after receipt of HHSC notice in compliance with 42 Code of Federal Regulations §488.335. If the nurse aide fails to request a hearing, the nurse aide waives the opportunity for a hearing and HHSC enters the finding of abuse, neglect, or misappropriation of resident property, as appropriate, on the NAR.

(e) If HHSC receives an allegation that a nurse aide, who has a medication aide permit under Chapter 557 of this title (relating to Medication Aides--Program Requirements), committed an act of abuse, neglect, or misappropriation of resident property, HHSC investigates the allegation under this section regarding the nurse aide practice and under Chapter 557 of this title to determine if the allegation violates the medication aide practice. The investigations run concurrently. If after the investigations, the nurse aide requests hearings on the findings under the nurse aide practice and the medication aide practice, only one hearing, conducted in accordance with subsection (d) of this section, is available to the nurse aide.

(f) If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, HHSC reports the finding to:

(1) the NAR;

(2) the nurse aide;

(3) the administrator of the nursing facility in which the act occurred; and

(4) the administrator of the nursing facility that employs the nurse aide, if different from the nursing facility in which the act occurred.

(g) The NAR must include the findings involving a nurse aide listed on the NAR as well as any brief statement of the nurse aide disputing the findings.

(h) The information on the NAR is available to the public.

(i) If an inquiry is made about a nurse aide's status on the NAR, HHSC must:

(1) verify if the nurse aide is listed on the NAR;

(2) disclose information concerning a finding of abuse, neglect, or misappropriation of resident property involving the nurse aide; and

(3) disclose any statement by the nurse aide related to the finding.

(j) If a nurse aide works in a capacity other than a nurse aide in a nursing facility and is listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and

Safety Code Chapter 810, HHSC revokes or suspends the certificate of registration and changes the status of the nurse aide's listing on the NAR to revoked or suspended. The due process available to the nurse aide before placement on the SEMARC satisfies the due process required before HHSC revokes or suspends the certificate of registration and changes the nurse aide's status on the NAR.

(k) If HHSC revokes or suspends the certificate of registration and lists a nurse aide's status on the NAR as suspended or revoked because of a single finding of neglect, the nurse aide may request that HHSC reissue the certificate of registration and remove the finding after the finding has been listed on the NAR for one year. To request removal of the finding, the nurse aide must submit a HHSC Petition for Removal of Neglect Finding to HHSC in accordance with the petition's instructions.

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 10, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3161

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CHAPTER 557. MEDICATION AIDES--PROGRAM REQUIREMENTS

26 TAC §§557.107, 557.113, 557.115, 557.119, 557.129

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §557.107, concerning Training Requirements; Nursing Graduates; Reciprocity; §557.113, concerning Determination of Eligibility; §557.115, concerning Permit Renewal; §557.119, concerning Training Program Requirements; and §557.129, concerning Alternate Licensing Requirements for Military Service.

Sections 557.107, 557.113, 557.115, and 557.119 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2216). These rules will be republished.

Section 557.129 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2216). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long Term Care Regulatory (LTCR) or HHSC must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rules.

HHSC made changes to §§557.107(b)(9), 557.113(c)(7), 557.115(a)(5)(C), 557.115(c)(6)(C), and 557.119(b)(4)(B) to clarify how to determine if a person is employable while performing required searches.

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 142, Subchapter B, Texas Health and Safety Code Chapter 242, Subchapter N, and Texas Human Resources Code §161.083, which authorizes the executive commissioner of HHSC to adopt rules for the administration of medication.

§557.107. Training Requirements; Nursing Graduates; Reciprocity.

(a) Each applicant for a permit issued under this chapter must complete a training program unless the applicant meets the requirements of subsection (c) or (e) of this section.

(b) Before submitting an application for a permit under this chapter, an applicant must:

(1) be able to read, write, speak, and understand English;

(2) be at least 18 years of age;

(3) be free of communicable diseases and in suitable physical and emotional health to safely administer medications;

(4) be a high school graduate or have proof of successfully passing a general educational development test;

(5) if a home health medication aide, have satisfactorily completed a home health aide training and competency evaluation program or a competency evaluation program under §558.701 of this title (relating to Home Health Aides);

(6) be employed in a facility or home health agency as a nurse aide or nonlicensed direct care staff person on the first official day of the applicant's medication aide training program;

(7) have been employed:

(A) as a nurse aide in a Medicare-skilled nursing facility or a Medicaid nursing facility; or

(B) in a facility or by a home health agency for 90 days as a nonlicensed direct care staff person during the 12-month period before the first official day of the applicant's medication aide training program;

(8) not have a criminal history that HHSC determines is a basis for denying the permit under §557.121 of this chapter (relating to Permitting of Persons with Criminal Backgrounds);

(9) not be listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; and

(10) not be listed with a revoked or suspended status on the NAR.

(c) A person who is attending or has attended an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirement for issuance of a permit under this chapter if the person:

(1) attended the nursing school no earlier than January 1 of the year immediately preceding the year of application for a permit under this chapter;

(2) successfully completed courses at the nursing school that covered the HHSC curriculum for a medication aide training program;

(3) submits a statement, with the application for a permit and combined permit application and examination fee as provided in §557.109 of this chapter (relating to Application Procedures), on the form provided by HHSC, signed by the nursing school's administrator or other authorized individual, certifying that the person completed the courses specified in paragraph (2) of this subsection; and

(4) complies with subsection (e)(5) and (6) of this section.

(d) The administrator or other authorized individual referred to in subsection (c)(3) of this section is responsible for determining that the nursing school courses cover HHSC curriculum.

(e) A person who is a graduate of an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirement for issuance of a permit under this chapter if the date of graduation from the nursing school was no earlier than January 1 of the year immediately preceding the year of application for a permit under this chapter.

(1) The applicant must submit an official application form to HHSC through the online portal. The applicant must meet the requirements of subsection (b)(1) - (4), (8), and (9) of this section.

(2) The application must be accompanied by the combined permit application and examination fee as set out in §557.109(c) of this chapter.

(3) The applicant must include an official transcript documenting graduation from an accredited school of nursing.

(4) HHSC acknowledges receipt of the application by sending the applicant a copy of this chapter and the HHSC open book examination.

(5) The applicant must complete the open book examination and return it to HHSC via email by the date given in the examination notice.

(6) The applicant must complete the HHSC written examination. HHSC denies the application of an applicant who fails to schedule and take the written examination by the date given in the examination notice.

(7) The open-book or written examination may not be retaken if the applicant fails the examination.

(8) Upon successful completion of the open-book and written examinations, HHSC evaluates all application documents submitted by the applicant.

(9) HHSC notifies the applicant of the examination results through the online portal.

(f) A person who holds a valid license, registration, certificate, or permit as a medication aide issued by another state whose minimum standards or requirements are substantially equivalent to or exceed the requirements of this chapter that is in effect at the time of application, may request a waiver of the training program requirement as follows:

(1) The applicant must submit an official application form to HHSC through the online portal. The applicant must meet the requirements of subsection (b)(1) - (4), (8), and (9) of this section.

(2) The application must be accompanied by the combined permit application and examination fee required in §557.109(c) of this chapter.

(3) The application must include a current copy of the rules of the other state governing its licensing and regulation of medication aides, a copy of the legal authority (law, act, code, or other) for the state's licensing program, and a certified copy of the license or certificate for which the reciprocal permit is requested.

(4) HHSC acknowledges receipt of the application by sending the applicant a copy of this chapter and the HHSC open book examination.

(5) HHSC may contact the issuing agency to verify the applicant's status with the agency.

(6) The applicant must complete the HHSC open-book examination and return it to HHSC via email by the date given in the examination notice.

(7) The applicant must complete the HHSC written examination. The site of the examination is determined by HHSC. HHSC denies the application of an applicant failing to schedule and take the examination by the date given in the examination notice.

(8) An open-book or written examination may not be retaken if the applicant fails the examination.

(9) Upon successful completion of the two examinations, HHSC evaluates all application documents submitted by the applicant.

(10) HHSC notifies the applicant of the examination results through the online portal.

§557.113. Determination of Eligibility.

(a) HHSC approves or denies each application for a permit.

(b) HHSC provides notices of application approval, denial, or deficiency in accordance with §557.127 of this chapter (relating to Application Processing).

(c) HHSC denies an application for a permit if the applicant:

(1) does not meet the requirements in §557.107 of this chapter (relating to Training Requirements; Nursing Graduates; Reciprocity) or §557.125 of this chapter (relating to Requirements for Corrections Medication Aides);

(2) fails to pass the examination prescribed by HHSC, as referenced in §557.111 of this chapter (relating to Examination), or developed by TDCJ, as referenced in §557.125(h) of this chapter;

(3) fails or refuses to properly complete or submit an application form or fee through the online portal, or deliberately submits false information on any form or document required by HHSC;

(4) violates or conspires to violate Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or any provision of this chapter;

(5) has a criminal history that HHSC determines is a basis for denying the permit under §557.121 of this chapter (relating to Permitting of Persons with Criminal Backgrounds);

(6) is listed with a revoked or suspended status on the HHSC NAR; or

(7) is listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810.

(d) If, after review, HHSC determines that the application should be denied, HHSC gives the applicant written notice of the reason for the proposed decision and of the opportunity for a formal hearing in accordance with §557.123(c)(3) of this chapter (relating to Violations, Complaints, and Disciplinary Actions).

§557.115. Permit Renewal.

(a) General.

(1) An initial permit is valid for 12 months from the date of issue.

(2) A medication aide must renew his or her permit annually.

(3) Each medication aide is responsible for renewing the permit before the expiration date. Failure to receive notification from HHSC before the expiration date of the permit does not excuse a medication aide's failure to file for timely renewal.

(4) Continuing education hours are not required for the first renewal. However, after a permit is renewed for the first time, a medication aide must complete a seven-hour continuing education program approved by HHSC annually before expiration of his or her permit to renew the permit for each additional year.

(5) HHSC denies renewal of the permit of a medication aide who:

(A) is in violation of Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or this chapter at the time of application for renewal;

(B) has a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(a) or (c), or a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(b) within five years before the date HHSC receives the renewal application;

(C) is listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; or

(D) is listed with a revoked or suspended status on the NAR.

(6) A person whose permit has expired may not engage in activities that require a permit until the permit has been renewed.

(b) Permit renewal procedures.

(1) After receiving proof of the successful completion of the seven hour continuing education requirement, HHSC sends notice of the amount of the renewal fee due and a renewal form to the medication aide through the online portal.

(2) The renewal form located in the online portal, which includes the contact information and preferred mailing address of the medication aide.

(3) Medication aides are required to submit fingerprints to the Texas Department of Public Safety for a Federal Bureau of Investigation criminal background check, if not submitted previously.

(4) HHSC issues a renewal permit to a medication aide who meets all requirements for renewal, including payment of the renewal fee.

(c) Late renewal procedures.

(1) If a medication aide submits a renewal application to HHSC through the online portal that is late or incomplete, HHSC assesses the appropriate late fee described in §557.109(c)(1)(C) of this chapter (relating to Application Procedures). HHSC uses the submission date in the online portal to determine if a renewal application is late.

(2) A person whose permit has been expired for less than one year may renew the permit through the online portal by submitting to HHSC:

(A) the permit renewal form;

(B) all accrued renewal fees;

(C) proof of having earned, during the expired period, seven hours in an approved continuing education program for each year, or part of a year, since the permit expired; and

(D) proof of having earned, before expiration of the permit, seven hours in an approved continuing education program as required by subsection (a)(4) of this section.

(3) A person whose permit has been expired for 90 days or less must pay HHSC the late renewal fee provided in §557.109(c)(1)(C)(i) of this chapter or §557.125(g)(3)(A) of this chapter (relating to Requirements for Corrections Medication Aides).

(4) A person whose permit has been expired for more than 90 days but less than one year must pay HHSC the late renewal fee stated in §557.109(c)(1)(C)(ii) or §557.125(g)(3)(B) of this chapter.

(5) A person who previously held a permit in Texas issued under this chapter may obtain a new permit without reexamination if the person holds a medication aide permit from another state, practiced in that state for at least the two years preceding the application date, and pays to HHSC the late renewal fee stated in §557.109(c)(1)(C)(iii) of this chapter.

(6) HHSC denies late renewal of the permit if a permit holder:

(A) is in violation of Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or this chapter on the date HHSC receives the application for late renewal;

(B) has a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(a) or (c), or a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(b) within five years before the date HHSC receives the application for late renewal;

(C) is listed on the SEMARC; or

(D) is listed with a revoked or suspended status on the NAR.

(d) A person whose permit has been expired for one year or more may not renew the permit. To obtain a new permit, the person must apply for a permit in accordance with §557.109 of this chapter and in §557.111 of this chapter (relating to Examination).

§557.119. Training Program Requirements.

(a) Application. An educational institution accredited by the Texas Workforce Commission or Texas Higher Education Coordinating Board that wants to offer a training program must file an application for approval on an HHSC form through the online portal. Programs sponsored by state agencies for the training and preparation of state employees are exempt from the accreditation requirement. An approved institution may offer the training program and a continuing education program.

(1) The application through the online portal must include:

(A) the anticipated dates of the program;

(B) the location of the classroom instruction and training course;

(C) the name of the coordinator of the program;

(D) a list that includes the address and telephone number of each instructor and any other persons responsible for the conduct of the program; and

(E) an outline of the program content and curriculum if the curriculum covers more than HHSC established curricula.

(2) HHSC may conduct an inspection of the classroom instruction and training site.

(3) HHSC sends notice of approval or proposed denial of the application to the program within 30 days after receiving a complete application through the online portal. If HHSC proposes to deny the application due to noncompliance with the requirements of this chapter, it provides the reasons for denial in the notice.

(4) An applicant may request in writing a hearing on a proposed denial. The applicant must submit a request within 15 days after the applicant receives notice of the proposed denial. The hearing is governed by 1 Texas Administrative Code Chapter 357, Subchapter I (relating the Hearings under the Administrative Procedure Act); Chapter 110 of this title (relating to Hearings under the Administrative Procedure Act); and Texas Government Code Chapter 2001. If no request is made, the applicant has waived the opportunity for a hearing, and HHSC takes the proposed action.

(b) Basic training program.

(1) A training program must include the following instruction and training:

(A) procedures for preparation and administration of medications;

(B) responsibility, control, accountability, storage, and safeguarding of medications;

(C) use of reference material;

(D) documentation of medications in resident's or client's clinical records, including PRN medications;

(E) minimum licensing standards for facilities covering pharmaceutical service, nursing service, and clinical records;

(F) federal and state certification standards for participation under Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act pertaining to pharmaceutical service, nursing service, and clinical records;

(G) lines of authority in the facility, including facility personnel who are immediate supervisors;

(H) responsibilities and liabilities associated with the administration and safeguarding of medications;

(I) allowable and prohibited practices of medication aides in the administration of medication;

(J) drug reactions and side effects of medications commonly administered to residents or clients; and

(K) rules covering the medication aide program.

(2) The program must consist of 140 hours in the following sequence: 100 hours of classroom instruction and training; 20 hours of return skills demonstration laboratory; 10 hours of clinical experience, including clinical observation and skills demonstration under the direct supervision of a licensed nurse in a facility; and 10 hours of return skills demonstration laboratory. A classroom instruction and training or laboratory hour must include 50 minutes of actual classroom instruction and training or laboratory time.

(A) Class time must not exceed:

(i) four hours in a 24-hour period for a facility training program; or

(ii) eight hours in a 24-hour period for a correctional facility training program.

(B) The completion date of the program must be:

(i) a minimum of 60 days and a maximum of 180 days after the starting date of the facility training program; or

(ii) a minimum of 30 days and a maximum of 180 days after the starting date of a correctional facility training program.

(3) Each program must follow the curricula established by HHSC.

(4) Before a student begins a training program, the program must:

(A) ensure the student meets training requirements in §557.107(b)(1) - (9) of this chapter (relating to Training Requirements; Nursing Graduates; Reciprocity);

(B) check the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810 to ensure the student is not listed; and

(C) check the NAR to verify if the student is listed in revoked or suspended status.

(5) At least seven days before the beginning of a training program, the coordinator must notify HHSC in writing through the online portal of the dates and daily hours of the program and the projected number of students.

(6) A change in any information presented by the program in an approved application, including location, instructors, and content must be approved by HHSC through the online portal before the change is implemented.

(7) The program instructors of the classroom instruction and training hours must be a registered nurse and registered pharmacist.

(A) The nurse instructor must have:

(i) a minimum of two years of experience in caring for individuals in a long-term care setting or be an instructor in a school of nursing, for a facility training program; or

(ii) a minimum of two years of experience employed in a correctional setting or be an instructor in a school of nursing, for a correctional facility program.

(B) The pharmacist instructor must have:

(i) a minimum of one year of experience and be currently employed or contracted as a consultant pharmacist in a facility; or

(ii) a minimum of one year of experience employed or contracted as a pharmacist in a correctional setting.

(8) The program coordinator must provide clearly defined and written policies regarding each student's clinical experience to the

student, the administrator, and the director of nursing in the facility used for the clinical experience.

(A) The clinical experience must be counted only when the student is performing functions involving medication administration and under the direct supervision of a licensed nurse.

(B) The program coordinator must be responsible for final evaluation of the student's clinical experience.

(9) Each program must issue to each student, upon successful completion of the program, a certificate of completion, which must include the program's name, the student's name, the date of completion, and the signature of the program coordinator or administrative official.

(10) Each program must inform HHSC through the online portal on the HHSC class roster form of the final grade results for each student within 15 days after the student's completion of the course and prior to scheduling the exam.

(11) A student without an HHSC-approved criminal background check will not be allowed to take the exam.

(c) Continuing education training program.

(1) The program must consist of at least seven hours of classroom instruction and training or online instruction.

(2) The instructors must meet the requirements in subsection (b)(7) of this section.

(3) Each program must follow the curricula established by HHSC or the curriculum established by TDCJ for corrections medication aides, as applicable.

(4) Within 10 days after a medication aide's completion of the course, each program must inform HHSC through the online portal using the HHSC class roster form of the name of each medication aide who has completed the course.

(d) In developing a training program for corrections medication aides that complies with Texas Government Code §501.1485, TDCJ may modify, as appropriate, the content of the training program curriculum originally developed under Texas Health and Safety Code Chapter 242 to produce content suitable for administering medication in a correctional facility. The training program curriculum must be approved by HHSC.

(e) Subsection (c) of this section applies to a training program for medication aides and corrections medication aides.

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 10, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 30, 2026
Proposal publication date: April 3, 2026
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CHAPTER 559. DAY ACTIVITY AND HEALTH SERVICES REQUIREMENTS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §559.3, concerning Definitions; §559.51, concerning Compliance; and §559.225, concerning General Requirements.

Sections 559.3, 559.51, and 559.225 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2223). These rules will be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received a comment regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician consultant" in §559.3(20) to require dietician consultants to be licensed dieticians.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made a minor editorial change to §559.3(1) to add a word that was inadvertently deleted from the proposal.

HHSC made changes to §§559.51(b)(3), 559.225(a)(3)(A), and 559.225(b)(1) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER A. INTRODUCTION

26 TAC §559.3

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, 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 Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.3. Definitions.

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

(1) Abuse--Negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has

an ongoing relationship with the person, or sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Texas Penal Code §21.08 (relating to Indecent Exposure) or Texas Penal Code Chapter 22 (relating to Assaultive Offenses) committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

(2) Actual harm--A negative outcome that compromises the physical, mental, or emotional well-being of an elderly person or a person with a disability receiving services at a facility.

(3) Adult--A person 18 years of age or older or an emancipated minor.

(4) Affiliate--With respect to a:

(A) partnership, each partner of the partnership;

(B) corporation, each officer, director, principal stockholder, and subsidiary; and each person with a disclosable interest;

(C) natural person, includes each:

(i) person's spouse;

(ii) partnership and each partner thereof, of which said person or any affiliate of said person is a partner; and

(iii) corporation in which the person is an officer, director, principal stockholder, or person with a disclosable interest.

(5) Alzheimer's disease and related disorders--Alzheimer's disease and any other irreversible dementia described by the Centers for Disease Control and Prevention (CDC) or the most current edition of the Diagnostic and Statistical Manual of Mental Disorders.

(6) Ambulatory--Mobility not relying on walker, crutch, cane, or other physical object or use of wheelchair.

(7) Applicant--A person applying for a license under Texas Human Resources Code Chapter 103.

(8) Change of ownership--An event that results in a change to the federal taxpayer identification number of the license holder of a facility. The substitution of a personal representative for a deceased license holder is not a change of ownership.

(9) Client--An individual receiving day activity and health services.

(10) Construction, existing--See existing building in paragraph (27) of this section.

(11) Construction, new--Construction begun after April 1, 2007.

(12) Construction, permanent--A building or structure that meets a nationally recognized building code's details for foundations, floors, walls, columns, and roofs.

(13) Controlling person--A person with the ability, acting alone or with others, to directly or indirectly influence, direct, or cause the direction of management, expenditure of money, or policies of a facility or other person. A controlling person includes:

(A) a management company, landlord, or other business entity that operates or contracts with others for the operation of a facility;

(B) any person who is a controlling person of a management company or other business entity that operates a facility or that contracts with another person for the operation of a facility;

(C) an officer or director of a publicly traded corporation that is, or that controls, a facility, management company, or other business entity described in subparagraph (A) of this paragraph but does not include a shareholder or lender of the publicly traded corporation; and

(D) any other individual who, because of a personal, familial, or other relationship with the owner, manager, landlord, tenant, or provider of a facility, is in a position of actual control or authority with respect to the facility, without regard to whether the individual is formally named as an owner, manager, director, officer, provider, consultant, contractor, or employee of the facility, except an employee, lender, secured creditor, landlord, or other person who does not exercise formal or actual influence or control over the operation of a facility.

(14) DADS--The term referred to the Texas Department of Aging and Disability Services; it now refers to HHSC.

(15) DAHS--Day activity and health services. Health, social, and related support services as defined in this section.

(16) DAHS facility--A facility that provides services through a day activity and health services program on a daily or regular basis, but not overnight, to four or more elderly persons or persons with disabilities who are not related to the owner of the facility by blood, marriage, or adoption.

(17) DAHS program--A structured, comprehensive program offered by a DAHS facility that is designed to meet the needs of adults with functional impairments by providing DAHS in accordance with individual plans of care in a protective setting.

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

(19) Department--HHSC.

(20) Dietitian consultant--A person licensed as a dietitian by the Texas Department of Licensing and Regulation or a person with a bachelor's degree with major studies in food and nutrition, dietetics, or food service management.

(21) Direct ownership interest--Ownership of equity in the capital, stock, or profits of, or a membership interest in, an applicant or license holder.

(22) Direct service staff--An employee or contractor of a facility who directly provides services to individuals, including the director, a licensed nurse, the activities director, and an attendant. An attendant includes a driver, food service worker, aide, janitor, housekeeper, and laundry worker. A dietitian consultant is not a member of the direct service staff.

(23) Director--The person responsible for the overall operation of a facility.

(24) Disclosable interest--Five percent or more direct or indirect ownership interest in an applicant or license holder.

(25) Elderly person--A person 65 years of age or older.

(26) Executive commissioner--The executive commissioner of HHSC.

(27) Existing building--A building or portion thereof that, at the time of initial inspection by HHSC, is used as an adult day care occupancy, as defined by Life Safety Code, NFPA 101, 2000 edition, Chapter 17 for existing adult day care occupancies; or has been converted from another occupancy or use to an adult day care occupancy, as defined by Chapter 16 for new adult day care occupancies.

(28) Exploitation--An illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing re-

lationship with the elderly person or person with a disability, using the resources of an elderly person or person with a disability for monetary or personal benefit, profit, or gain without the informed consent of the elderly person or person with a disability.

(29) Facility--A licensed DAHS facility.

(30) Fence--A barrier to prevent elopement of an individual or intrusion by an unauthorized person, consisting of posts, columns, or other support members, and vertical or horizontal members of wood, masonry, or metal.

(31) FM--FM Global (formerly known as Factory Mutual). A corporation whose approval of a product indicates a level of testing and certification that is acceptable to HHSC.

(32) Fraud--A deliberate misrepresentation or intentional concealment of information to receive or to be reimbursed for service delivery to which an individual is not entitled.

(33) Functional impairment--A condition that requires assistance with one or more personal care services.

(34) Health assessment--An assessment of an individual by a facility used to develop the individual's plan of care.

(35) Health services--Services that include personal care, nursing, and therapy services.

(A) Personal care services include:

(i) bathing;

(ii) dressing;

(iii) preparing meals;

(iv) feeding;

(v) grooming;

(vi) taking self-administered medication;

(vii) toileting;

(viii) ambulation; and

(ix) assistance with other personal needs or maintenance.

(B) Nursing services may include:

(i) administering medications;

(ii) physician-ordered treatments, such as dressing changes; and

(iii) monitoring the health condition of the individual.

(C) Therapy services may include:

(i) physical therapy;

(ii) occupational therapy; and

(iii) speech therapy.

(36) HHSC--The Texas Health and Human Services Commission.

(37) Human service program--An intentional, organized, ongoing effort designed to provide good to others. The characteristics of a human service program are:

(A) dependent on public resources and are planned and provided by the community;

(B) directed toward meeting human needs arising from day-to-day socialization, health care, and developmental experiences; and

(C) used to aid, rehabilitate, or treat people in difficulty or need.

(38) Human services--Include:

(A) personal social services, including:

(i) DAHS;

(ii) counseling;

(iii) in-home care; and

(iv) protective services;

(B) health services, including:

(i) home health;

(ii) family planning;

(iii) preventive health programs;

(iv) nursing facility; and

(v) hospice;

(C) education services, meaning:

(i) all levels of school;

(ii) Head Start; and

(iii) vocational programs;

(D) housing and urban environment services, including public housing;

(E) income transfer services, including:

(i) Temporary Assistance for Needy Families; and

(ii) Supplemental Nutrition Assistance Program; and

(F) justice and public safety services, including:

(i) parole and probation; and

(ii) rehabilitation.

(39) Immediate threat to the health or safety of an elderly person or a person with a disability--A situation that causes, or is likely to cause, serious injury, harm, or impairment to, or the death of an elderly person or a person with a disability receiving services at a facility.

(40) Indirect ownership interest--Any ownership or membership interest in a person who has a direct ownership interest in an applicant or license holder.

(41) Individual--A person who applies for or is receiving services at a facility.

(42) Isolated--When a very limited number of elderly persons, or persons with disabilities, receiving services at a facility are affected and a very limited number of staff are involved, or the situation has occurred only occasionally.

(43) License holder--A person who holds a license to operate a facility.

(44) Life Safety Code, NFPA 101--The Code for Safety to Life from Fire in Buildings and Structures, NFPA 101, a publication of the National Fire Protection Association, Inc. that:

(A) addresses the construction, protection, and occupancy features necessary to minimize danger to life from fire, including smoke, fumes, or panic; and

(B) establishes minimum criteria for the design of egress features to permit prompt escape of occupants from buildings or, where desirable, into safe areas within the building.

(45) Long-term care facility--A facility that provides care and treatment or personal care services to four or more unrelated persons, including:

(A) a nursing facility licensed under Texas Health and Safety Code Chapter 242;

(B) an assisted living facility licensed under Texas Health and Safety Code Chapter 247; and

(C) an intermediate care facility serving individuals with an intellectual disability or related conditions licensed under Texas Health and Safety Code Chapter 252.

(46) LVN--Licensed vocational nurse. A person licensed by the Texas Board of Nursing who works under the supervision of an RN or a physician.

(47) Management services--Services provided under contract between the owner of a facility and a person to provide for operation of a facility, including administration, staffing, maintenance, and delivery of services. Management services do not include contracts solely for maintenance, laundry, or food services.

(48) Manager--A person who has a contractual relationship to provide management services to a facility.

(49) Medically related program--A program providing the services listed in paragraph (37)(B) of this section.

(50) Neglect--Failure to provide for oneself goods or services, including medical services, that are necessary to avoid physical harm, mental anguish, or mental illness; or failure of a caregiver to provide these goods or services.

(51) NFPA--The National Fire Protection Association. The NFPA is an organization that develops codes, standards, recommended practices, and guides through a consensus standards development process approved by the American National Standards Institute.

(52) NFPA 10--Standard for Portable Fire Extinguishers. A standard developed by the NFPA for selection, installation, inspection, maintenance, and testing of portable fire extinguishing equipment.

(53) NFPA 13--Standard for the Installation of Sprinkler Systems. A standard developed by the NFPA for the minimum requirements for design and installation of automatic fire sprinkler systems, including the character and adequacy of water supplies and selection of sprinklers, fittings, pipes, valves, and all maintenance and accessories.

(54) NFPA 70--National Electrical Code. A code developed by the NFPA for installation of electric conductors and equipment.

(55) NFPA 72--National Fire Alarm Code. A code developed by the NFPA for the application, installation, performance, and maintenance of fire alarm systems and fire alarm system components.

(56) NFPA 90A--Standard for the Installation of Air Conditioning and Ventilating Systems. A standard developed by the NFPA for systems for the movement of environmental air in structures that serve spaces over 25,000 cubic feet or buildings of certain heights and construction types, or both.

(57) NFPA 90B--Standard for the Installation of Warm Air Heating and Air-Conditioning Systems. A standard developed by the NFPA for systems for movement of environmental air in one- or two-family dwellings and structures that serve spaces not exceeding 25,000 cubic feet.

(58) NFPA 96--Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. A standard developed by the NFPA that provides the minimum fire safety requirements related to design, installation, operation, inspection, and maintenance of all public and private cooking operations, except for single-family residential usage.

(59) Nurse--An RN or LVN licensed in the state of Texas.

(60) Nursing services--Services provided by a nurse, including:

(A) observation;

(B) promoting and maintaining health;

(C) preventing illness and disability;

(D) managing health care during acute and chronic phases of illness;

(E) guiding and counseling individuals and families; and

(F) referral to physicians, other health care providers, and community resources when appropriate.

(61) Online portal--A secure portal provided on the HHSC website for licensure activities, including for a DAHS facility applicant to submit licensure applications and information.

(62) Pattern of violation--Repeated, but not widespread in scope, failures of a facility to comply with Texas Human Resources Code Chapter 103, or a rule, standard, or order adopted under Texas Human Resources Code Chapter 103 that:

(A) result in a violation; and

(B) are found throughout the services provided by the facility or that affect or involve the same elderly persons or persons with disabilities receiving services at the facility or the same facility employees.

(63) Person--An individual, corporation, or association.

(64) Person with a disability--A person whose functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(65) Plan of care--A written plan, based on a health assessment and developed jointly by a facility and an individual or the individual's responsible party, that documents the functional impairment of the individual and the DAHS needed by the individual.

(66) Potential for minimal harm--A violation that has the potential for causing no more than a minor negative impact to an individual.

(67) Protective setting--A setting in which an individual's safety is ensured by the physical environment by staff.

(68) Related support services--Services to an individual, family member, or caregiver that may improve the person's ability to assist with an individual's independence and functioning. Services include:

(A) information and referral;

(B) transportation;

(C) teaching caregiver skills;

(D) respite;

(E) counseling;

(F) instruction and training; and

(G) support groups.

(69) Responsible party--A person designated by an individual as the individual's representative.

(70) RN--Registered nurse. A person licensed by the Texas Board of Nursing to practice professional nursing.

(71) Safety--Protection from injury or loss of life due to conditions such as fire, electrical hazard, unsafe building or site conditions, and presence of hazardous materials.

(72) Sanitation--Protection from illness, transmission of disease, or loss of life due to unclean surroundings, the presence of disease transmitting insects or rodents, unhealthful conditions or practices in preparation of food and beverage, or care of personal belongings.

(73) Semi-ambulatory--Mobility relying on a walker, crutch, cane, or other physical object, or independent use of wheelchair.

(74) Serious injury--An injury requiring emergency medical intervention or treatment by medical personnel, either at a facility or at an emergency room or medical office.

(75) Social activities--Therapeutic, educational, cultural enrichment, recreational, and other activities in a facility or in the community provided as part of a planned program to meet the social needs and interests of an individual.

(76) TAC--Texas Administrative Code.

(77) UL--Underwriters Laboratories, Inc. A corporation whose approval of a product indicates a level of testing and certification that is acceptable to HHSC.

(78) Widespread in scope--A violation of Texas Human Resources Code Chapter 103, or a rule, standard, or order adopted under Texas Human Resources Code Chapter 103, that:

(A) is pervasive throughout the services provided by the facility; or

(B) represents a systematic failure by the facility that affects or has the potential to affect a large portion or all the elderly persons or persons with disabilities receiving services at the facility.

(79) Willfully interfere--To act or not act to intentionally prevent, interfere with, or impede.

(80) Working with people--Acts involving delivery of services to individuals either directly or indirectly. Experience as a manager would meet this definition; however, experience in an administrative support position such as a bookkeeper does not. Experience does not have to be in a paid capacity.

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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SUBCHAPTER D. STANDARDS FOR LICENSURE

26 TAC §559.51

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, 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 Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.51. Compliance.

(a) For purposes of this section, "reportable conduct" includes:

(1) abuse or neglect that causes or may cause death or harm to a client;

(2) sexual abuse of a client;

(3) financial exploitation of a client in the amount of $25 or more; or

(4) emotional, verbal, or psychological abuse that causes harm to a client.

(b) A facility must:

(1) comply with the requirements for advance directives as outlined under §559.53 of this subchapter (relating to Maintenance of Policies and Procedures);

(2) comply with the provisions of Texas Health and Safety Code Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illness);

(3) before hiring an individual, the facility must search the HHSC internet website, nurse aide registry (NAR), and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established by Texas Health and Safety Code Chapter 810 to determine if the person is employable:

(A) if the person is listed on the NAR as unemployable, the facility must not hire the person;

(B) if the person's name is on the SEMARC, the person is unemployable, and the facility must not hire the person;

(C) provide information about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information);

(D) search the NAR and the SEMARC at least once every 12 months to determine if the employee remains employable;

(E) keep a copy of the results of the initial and annual searches of the NAR, and the SEMARC in the employee's personnel file; and

(F) suspend the employment of an employee who HHSC finds has engaged in reportable conduct, as defined in subsection (a) of this section, while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, pending a final decision by an administrative law judge, and not reinstate the employee's employment or contract during any applicable appeals process;

(4) develop policies to comply with standards for universal precautions for HIV/AIDS and related conditions in the workplace;

(5) develop written policies for control of communicable diseases in employees and clients, which include tuberculosis screening and provision of a safe and sanitary environment for clients and their families;

(6) comply with all relevant federal and state standards; and

(7) comply with all applicable provisions of Texas Human Resource Code Chapter 102.

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SUBCHAPTER H. INDIVIDUALIZED SKILLS AND SOCIALIZATION PROVIDER REQUIREMENTS
DIVISION 3. PROVIDER REQUIREMENTS

26 TAC §559.225

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, 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 Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.225. General Requirements.

(a) An individualized skills and socialization provider must:

(1) comply with the provisions of Texas Health and Safety Code (HSC)Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illnesses);

(2) before offering employment to any person, search the following registries to determine if the person is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC)established under Texas Health and Safety Code Chapter 810;

(B) the nurse aide registry (NAR) and medication aide registry (MAR);

(C) the List of Excluded Individuals and Entities (USLEIE) maintained by the United States Department of Health and Human Services; and

(D) the List of Excluded Individuals and Entities (LEIE) maintained by HHSC Office of Inspector General;

(3) not employ a person who is listed on the:

(A) SEMARC; or

(B) HHSC nurse or medication aide registries as revoked or suspended; and

(4) provide information about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information).

(b) In addition to the initial search of the LEIE, NAR, MAR, USLEIE, and the SEMARC an individualized skills and socialization provider must:

(1) conduct a search of the NAR, MAR, and SEMARC at least once every 12 months to determine if the employee remains employable;

(2) keep a copy of the results of the initial and annual searches of the NAR, MAR, and the SEMARC in the employee's personnel file and make it available to HHSC upon request; and

(3) comply with all relevant federal and state standards.

(c) An individualized skills and socialization provider must:

(1) report abuse, neglect, and exploitation in accordance with §559.241 of this subchapter (relating to Reporting Abuse, Neglect, or Exploitation to HHSC);

(2) suspend a service provider who HHSC finds has engaged in reportable conduct while the service provider exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, pending a final decision by an administrative law judge, and may not reinstate the service provider during any applicable appeals process;

(3) develop and enforce policies and procedures for creating and maintaining incident reports; and

(4) ensure the confidentiality of individual records and other information related to individuals.

(d) An individualized skills and socialization provider must prominently and conspicuously post for display in a public area of the on-site individualized skills and socialization location, or designated place of business for off-site only individualized skills and socialization, that is readily available to individuals, employees, and visitors:

(1) the license issued under this chapter;

(2) a sign prescribed by HHSC that describes complaint procedures and specifies how complaints may be filed with HHSC;

(3) a notice in the form prescribed by HHSC stating that survey and related reports are available at the on-site individualized

skills and socialization location for public survey and providing the HHSC toll-free telephone number that may be used to obtain information concerning the individualized skills and socialization provider;

(4) a copy of the most recent survey report relating to the individualized skills and socialization provider;

(5) a brochure, letter, or website that outlines the individualized skills and socialization provider's hours of operation, holidays, and a description of activities offered; and

(6) emergency telephone numbers, including the abuse hotline telephone number.

(e) In addition to the list of individuals served as described in §559.231(f)(3) of this subchapter (relating to Surveys and Visits), an individualized skills and socialization provider must also maintain an individual information document that includes:

(1) information on the individualized skills and socialization provider's service delivery method for each individual, such as on-site and off-site, or off-site only;

(2) the individual's name, identification, or clinical record number; and

(3) the date the individual began receiving on-site and off-site, or off-site only individualized skills and socialization services from the provider.

(f) An individualized skills and socialization provider may combine the list of individuals served and the information required for the individual information document into a single document. However, the provider must ensure the combined document meets all requirements of §559.231(f)(3) of this subchapter and subsection (e) of this section.

(g) An individualized skills and socialization provider may maintain records or forms either on the HHSC-prescribed form or on a provider-developed form or template maintained through the provider's own documentation system, whether digital or paper, including electronic health records or other documents maintained for the purpose of compliance with the licensure requirements of this subchapter, unless otherwise specified. Records maintained through the provider's own documentation system must:

(1) contain the same information as the HHSC-prescribed document or form as outlined in this subchapter;

(2) meet the confidentiality and recordkeeping requirements outlined in this subchapter; and

(3) be readily accessible and available for review by HHSC upon request, as required under §559.231(f) of this subchapter.

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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CHAPTER 560. DENIAL OR REFUSAL OF LICENSE

26 TAC §560.4

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §560.4, concerning Registry Listings Barring Licensure.

Section 560.4 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2230). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches for providers regulated by HHSC Long-Term Care Regulation (LTCR).

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §560.4(1) to clarify how to determine if a person is employable while performing required searches.

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 Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapters 242, 247 and 248A, which authorize HHSC to license and regulate nursing facilities, assisted living facilities and prescribed pediatric extended care facilities; and Texas Human Resources Code, Chapter 103, which authorizes HHSC to license and regulate day activity and health services facilities.

§560.4. Registry Listings Barring Licensure.

HHSC may deny an application for an initial facility license, or refuse to renew a facility license, if the applicant for the facility license, the facility license holder, or a controlling person of the applicant or facility license holder is listed:

(1) on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; or

(2) with a revoked or suspended status on the Nurse Aide Registry maintained by HHSC in accordance with Texas Health and Safety Code Chapter 250.

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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CHAPTER 565. HOME AND COMMUNITY-BASED (HCS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) CERTIFICATION STANDARDS

SUBCHAPTER D. CERTIFICATION STANDARDS: STAFF MEMBER AND SERVICE PROVIDER REQUIREMENTS

26 TAC §565.9

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §565.9, concerning Program Provider Requirements.

Section 565.9 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2231). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §565.9(b)(7)(A) to clarify how to determine if a person is employable while performing required searches.

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; Texas Government Code §524.002, which provides HHSC with the authority to administer federal funds and plan and direct the Medicaid program in each agency that operates a portion of the Medicaid program; and Texas Human Resources Code §32.021, which provides that HHSC shall adopt necessary rules for the proper and efficient operation of the Medicaid program.

§565.9. Program Provider Requirements.

(a) The program provider must ensure the continuous availability of trained and qualified service providers to deliver the required services, as determined by the individual's needs and characteristics.

(b) The program provider must:

(1) comply with §52.107 of this title (relating to Background Checks);

(2) comply with §52.123 of this title (relating to Personal Attendants), including when the service provider of supported home living or CFC personal assistance services/habilitation (CFC PAS/HAB) is employed by or contracts with a contractor of a program provider;

(3) obtain the criminal history record of the potential staff member or potential contractor from the Texas Department of Public Safety directly or through a private agency before hiring or contracting with the potential staff member;

(4) not employ or contract with a potential staff member, service provider, or volunteer who:

(A) has been convicted of an offense listed, and for the time periods set forth, in Texas Health and Safety Code §250.006;

(B) is a registered sex offender; or

(C) has been convicted of an offense that the program provider determines is a contraindication;

(5) search the following registries before hire or execution of a contract and every 12 months thereafter to determine if a staff member or service provider is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; and

(B) the Nurse Aide Registry;

(6) search the following registries before hire or execution of a contract and every month thereafter to determine if an employee or contractor is eligible for employment:

(A) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; and

(B) the List of Excluded Individuals and Entities maintained by the HHSC Office of Inspector General; and

(7) not hire or continue employment for a staff member or service provider who is listed on:

(A) the SEMARC;

(B) the Nurse Aide Registry as revoked or suspended;

(C) the List of Excluded Individuals and Entities maintained by the United States Department of Health; or

(D) the List of Excluded Individuals and Entities maintained by Health and Human Services office of Inspector General or by HHSC Office of Inspector General.

(c) The program provider must develop and implement policy and procedures:

(1) that ensure only staff members and service providers with a valid driver's license and insurance transport individuals; and

(2) are revised if a shortcoming is identified.

(d) If the service provider of supported home living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (b)(2) of this section as if the contractor were the program provider.

(e) The program provider must:

(1) employ or contract with a person or entity of the individual's or legally authorized representative's (LAR's) choice to provide a Home and Community-based Services Program or CFC service to the individual if that person or entity:

(A) is qualified to provide the service; and

(B) is willing to contract with or be employed by the program provider to provide the service in accordance with this subchapter; or

(2) have and document good cause not to employ or contract with the person or entity of the individual's or LAR's choice.

(f) If a program provider contracts with a person or entity to provide transition assistance services (TAS), the person or entity must have a contract to provide TAS in accordance with Chapter 52 of this title (relating to Contracting for Community Services).

(g) The program provider must create and implement a policy that prevents:

(1) conflicts of interest between the program provider, a staff member, or a service provider and an individual, such as the acceptance of payment for goods or services (except payment for room and board) from which the program provider, staff member, or service provider could financially benefit;

(2) financial impropriety toward an individual including:

(A) unauthorized disclosure of information related to an individual's finances; and

(B) any purchase of goods that are not requested for the individual, cannot be used by the individual, or are not intended for the individual's use;

(3) abuse, neglect, or exploitation of an individual;

(4) damage to, or prevention of an individual's access to, the individual's possessions; and

(5) threats of the actions described in paragraphs (2) - (4) of this subsection.

(h) A program provider must comply with 42 United States Code §1396a(w) regarding requirements about advance directives.

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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CHAPTER 566. TEXAS HOME LIVING (TXHML) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) CERTIFICATION STANDARDS

26 TAC §566.9

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §566.9, concerning Certification Principles: Staff Member and Service Provider Requirements.

Section 566.9 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2233). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §566.9(b)(7)(A) to clarify how to determine if a person is employable while performing required searches.

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; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; Texas Government Code §524.002, which provides HHSC with the authority to administer federal funds and plan and direct the Medicaid program in each agency that operates a portion of the Medicaid program; and Texas Human Resources Code §32.021, which provides that HHSC shall adopt necessary rules for the proper and efficient operation of the Medicaid program.

§566.9. Certification Principles: Staff Member and Service Provider Requirements.

(a) The program provider must ensure the continuous availability of trained and qualified employees and contractors to provide the services in an individual's IPC.

(b) The program provider must:

(1) comply with §52.107 of this title (relating to Background Checks);

(2) comply with §52.123 of this title (relating to Personal Attendants), including when the service provider of supported home

living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider;

(3) obtain the criminal history record of the potential staff member or potential contractor from the Texas Department of Public Safety directly or through a private agency before hiring or contracting with the potential staff member;

(4) not employ or contract with a potential staff member, service provider, or volunteer who:

(A) has been convicted of an offense listed, and for the time periods set forth, in Texas Health and Safety Code §250.006;

(B) is a registered sex offender; or

(C) has been convicted of an offense that the program provider determines is a contraindication;

(5) search the following registries before hire or execution of a contract and every year to determine if a staff member or service provider is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; and

(B) the nurse aide registry;

(6) search the following registries before hire or execution of a contract and at least once every 12 months thereafter to determine if an employee or contractor is eligible for employment:

(A) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; and

(B) the List of Excluded Individuals and Entities maintained by the HHSC Office of Inspector General; and

(7) not hire or continue employment for a staff member or service provider who is listed on:

(A) the SEMARC;

(B) the nurse aide registry as revoked or suspended;

(C) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; or

(D) the List of Excluded Individuals and Entities maintained by the Texas Health and Human Services Office of Inspector General.

(c) The program provider must develop and implement policy and procedures that:

(1) ensure only staff members and service providers with a valid driver's license and insurance transport individuals; and

(2) are revised if a shortcoming is identified.

(d) If the service provider of supported home living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (b)(2) of this section as if the contractor were the program provider.

(e) The program provider must employ or contract with a service provider of the individual's or LAR's choice to provide a TxHmL Program service or a CFC service if that service provider:

(1) is qualified to provide the service;

(2) unless the program provider agrees to pay a higher amount, provides the service at or below:

(A) for any service except CFC ERS, the direct services portion of the applicable TxHmL Program rate; and

(B) for CFC ERS, the reimbursement rate; and

(3) contracts with or is employed by the program provider.

(f) The program provider must:

(1) conduct initial and periodic training that ensures staff members and service providers are trained and qualified to deliver services as required by the current needs and characteristics of the individual to whom they deliver services; and

(2) ensure that a staff member who participates in developing an implementation plan for CFC PAS/HAB completes person-centered service planning training approved by HHSC:

(A) by June 1, 2017, if the staff member was hired on or before June 1, 2015; or

(B) within two years after hire, if the staff member was hired after June 1, 2015.

(g) The program provider must implement and maintain personnel practices that safeguard an individual against infectious and communicable diseases.

(h) The program provider must prevent:

(1) conflicts of interest between program provider personnel and an individual;

(2) financial impropriety toward an individual;

(3) abuse, neglect, or exploitation of an individual; and

(4) threats of harm or danger toward an individual's possessions.

(i) The program provider must employ or contract with a person who oversees the provision of TxHmL Program services and CFC services to an individual. The person must:

(1) have at least three years paid work experience in planning and providing TxHmL Program services or CFC services to an individual with an intellectual disability or related condition as verified by written statements from the person's employer; or

(2) have both of the following:

(A) at least three years of experience planning and providing services similar to TxHmL Program services or CFC services to a person with an intellectual disability or related condition as verified by written statements from organizations or agencies that provided services to the person; and

(B) participation as a member of a microboard, as verified in writing by:

(i) the certificate of formation of the non-profit corporation under which the microboard operates filed with the Texas Secretary of State;

(ii) the bylaws of the non-profit corporation; and

(iii) a statement by the board of directors of the non-profit corporation that the person is a member of the microboard.

(j) The program provider must ensure that a service provider of community support, day habilitation, or respite is at least 18 years of age and:

(1) has a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or

(2) has documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:

(A) written competency-based assessment of the ability to document service delivery and observations of an individual to be served; and

(B) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for an individual being served.

(k) The program provider must ensure that a service provider of employment assistance or a service provider of supported employment:

(1) is at least 18 years of age;

(2) is not:

(A) the spouse of the individual; or

(B) a parent of the individual if the individual is a minor; and

(3) has:

(A) a bachelor's degree in rehabilitation, business, marketing, or a related human services field, and at least six months of paid or unpaid experience providing services to people with disabilities;

(B) an associate's degree in rehabilitation, business, marketing, or a related human services field, and at least one year of paid or unpaid experience providing services to people with disabilities; or

(C) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma, and at least two years of paid or unpaid experience providing services to people with disabilities.

(l) A program provider must ensure that the experience required by subsection (k) of this section is evidenced by:

(1) for paid experience, a written statement from a person who paid for the service or supervised the provision of the service; and

(2) for unpaid experience, a written statement from a person who has personal knowledge of the experience.

(m) The program provider must ensure that a service provider who provides transportation:

(1) has a valid driver's license; and

(2) transports individuals in a vehicle insured in accordance with state law.

(n) The program provider must ensure that dental treatment is provided by a dentist licensed in accordance with Texas Occupations Code Chapter 256.

(o) The program provider must ensure that nursing is provided by an RN or an LVN.

(p) The program provider must ensure that adaptive aids meet applicable standards of manufacture, design, and installation.

(q) The program provider must ensure that a service provider of behavioral support:

(1) meets one of the following:

(A) is licensed as a psychologist in accordance with Texas Occupations Code Chapter 501;

(B) is licensed as a psychological associate in accordance with Texas Occupations Code Chapter 501;

(C) is certified by HHSC as described in §304.302 of this title (relating to Certified Authorized Provider);

(D) is licensed as a licensed behavior analyst in accordance with Texas Occupations Code Chapter 506;

(E) has been issued a provisional license to practice psychology in accordance with Texas Occupations Code Chapter 501;

(F) is licensed as a licensed clinical social worker in accordance with Texas Occupations Code Chapter 505; or

(G) is licensed as a licensed professional counselor in accordance with Texas Occupations Code Chapter 503; and

(2) completes the web-based HHSC HCS and TxHmL Behavioral Support Services Provider Policy Training available on the HHSC website:

(A) before providing behavioral support services;

(B) within 90 calendar days after the date HHSC issues notice to program providers that HHSC revised the web-based training; and

(C) within three years after the most recent date of completion.

(r) The program provider must ensure that minor home modifications are delivered by contractors who provide the service in accordance with state and local building codes and other applicable regulations.

(s) The program provider must ensure that a service provider of professional therapies is licensed for the specific therapeutic service provided as follows:

(1) for audiology services, an audiologist licensed in accordance with Texas Occupations Code Chapter 401;

(2) for speech and language pathology services, a speech-language pathologist or licensed assistant in speech-language pathology licensed in accordance with Texas Occupations Code Chapter 401;

(3) for occupational therapy services, an occupational therapist or occupational therapy assistant licensed in accordance with Texas Occupations Code Chapter 454;

(4) for physical therapy services, a physical therapist or physical therapist assistant licensed in accordance with Texas Occupations Code Chapter 453; and

(5) for dietary services, a licensed dietitian licensed in accordance with Texas Occupations Code Chapter 701.

(t) The program provider must comply with §52.107 of this title (relating to Background Checks).

(u) A program provider must comply with §52.123 of this title (relating to Personal Attendants).

(v) If the service provider of community support or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (u) of this section as if the contractor were the program provider.

(w) A program provider must:

(1) ensure that a service provider of CFC PAS/HAB:

(A) is at least 18 years of age;

(B) has:

(i) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or

(ii) documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:

(I) a written competency-based assessment of the ability to document service delivery and observations of the individuals to be served; and

(II) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served;

(C) is not:

(i) the spouse of the individual; or

(ii) a parent of the individual if the individual is a minor; and

(D) meets any other qualifications requested by the individual or LAR based on the individual's needs and preferences; and

(2) if requested by an individual or LAR:

(A) allow the individual or LAR to train a CFC PAS/HAB service provider in the specific assistance needed by the individual and to have the service provider perform CFC PAS/HAB in a manner that comports with the individual's personal, cultural, or religious preferences; and

(B) ensure that a CFC PAS/HAB service provider attends training by HHSC so the service provider meets any additional qualifications desired by the individual or LAR.

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 10, 2026.

TRD-202602852
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 30, 2026
Proposal publication date: April 3, 2026
For further information, please call: (512) 438-3161

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING
SUBCHAPTER A. MANAGEMENT OF THE BEACH/DUNE SYSTEM

31 TAC §15.36

The General Land Office (GLO) adopts an amendment to 31 Texas Administrative Code (TAC) §15.36 relating to the Certification Status of the City of Galveston Dune Protection and Beach Access Plan (Plan), without changes to the proposed text.

The proposed rule was published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3531) and will not be republished.

The GLO adopts new subsection §15.36(f) to certify the amendments to the City of Galveston's Plan as consistent with state law.

BACKGROUND OF THE AMENDMENT

Pursuant to the Open Beaches Act, Texas Natural Resources Code (TNRC) Chapter 61; the Dune Protection Act, TNRC Chapter 63; TNRC §33.607, and 31 Texas Administrative Code (TAC) §§15.3, 15.7, and 15.17, a local government with jurisdiction over Gulf coast beaches must submit any proposed amendments to its Plan to the GLO for certification. If appropriate, the GLO will certify the Plan as consistent with state law by amendment of a rule, as authorized in TNRC §§61.011(d)(5), 61.015(b), and 63.121. The certification by rule reflects the state's certification of the Plan; however, the text of the Plan is not adopted by the GLO, as provided in 31 TAC §15.3(o)(4).

On November 13, 2025, the Galveston City Council passed Ordinance No. 25-061, which expanded the Restricted Use Area at Access Point 1(C) from 2,640 to 3,690 linear feet and reduced the on-beach parking at Access Point 13 from 350 feet to 100 feet since prior improvements to the off-beach parking area and pedestrian pathway to the beach have been completed.

The City is a coastal community in Galveston County, located on Galveston Island and bordering West Bay, Galveston Bay, and the Gulf of Mexico. The City's Dune Protection and Beach Access Plan was first adopted on August 12, 1993, and most recently amended to allow a variance for the use of reinforced concrete, prohibit vehicular access at Access Point 7, and to update the Beach Access and Parking Plan in Appendix A and Beach Access Maps in Exhibit C, and was certified by the GLO as consistent with state law effective November 7, 2024.

ANALYSIS OF PLAN AMENDMENTS

The size of the Restricted Use Area (RUA) at Access Point (AP) 1(C) will increase by 1,050 linear feet. The existing RUA is a 2,640-foot-long stretch of beach adjacent to the east end of Stewart Beach that is open to vehicles for persons with disabilities, people who are fishing, or people who are launching non-motorized personal watercraft. The RUA is also accessible to pedestrians from an adjacent off-beach parking area. The expansion of the RUA will preserve and enhance the public's use of and access to the beach as required in 31 TAC §15.7(h) since select vehicular access to the beach will be increased and pedestrian beach access from the existing off-beach parking area will be maintained. Any future actions to remove vehicles from this area must comply with requirements for pedestrian beaches in 31 TAC §15.7(h).

The on-beach parking at AP 13 will be reduced from 350 feet to 100 feet and the City will remove the language in the Plan that states that on-beach parking will be provided while substantial physical improvements to the off-beach parking lot and pedestrian pathway occur. The on-beach parking at this access point was provided as an interim measure as part of the City's Compliance Plan to address beach access and parking compliance issues. AP 13 previously did not have the off-beach parking or the pedestrian pathway to the beach required by the City's existing Plan. The City has completed improvements to the off-beach parking lot and pedestrian pathway to the beach, making the

on-beach parking area no longer necessary as an interim compliance measure. Instead of removing the entirety of the 350-foot on-beach parking area, the City will leave 100 feet of on-beach parking at this access point.

The Beach Access Map for AP 22 will be amended to change the location of the off-beach public parking spaces. The total number of parking spaces remains the same.

PUBLIC COMMENTS

The 30-day public comment period ended on June 22, 2026. During this period, the GLO did not receive any comments.

STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code §§33.602, 33.607, 61.011, 61.015(b), 61.022 (b) & (c), 63.091, and 63.121, which provide the GLO with the authority to adopt rules governing the preservation and enhancement of the public's right to access and use public beaches and certification of local government beach access and dune protection plans as consistent with state law.

Texas Natural Resources Code §§33.602, 33.607, 61.011, 61.015(b), 61.022 (b) & (c), 63.091, and 63.121 are affected by the amendments. The GLO hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

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 13, 2026.

TRD-202602860
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Effective date: August 2, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-1859

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PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER W. SPECIAL PERMITS

31 TAC §65.907

The Texas Parks and Wildlife Commission, in a duly noticed meeting on March 26, 2026, adopted an amendment to 31 TAC §65.907, concerning Special Take Authorization - Wildlife, with changes to the proposed text as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1026). The rule will be republished.

The change replace the word "applicant" with the word "requester" throughout the rule and removes an extraneous comma in subsection (l)(2).

The amendment broadens the scope of the current rule governing authorization for take to encompass other wildlife heath or disease-related scenarios in addition to those involving deer. In general, the rule as adopted creates flexibility to address future wildlife-disease-related situations by allowing landowners to take any species of wildlife as authorized by the department. The language to reflect this broadening is made throughout the rule as necessary.

Subsection (a) replaces the word "application" with "request" to distinguish the process of obtaining an authorization from other administrative processes related to permit and license issuance. Additionally, the amendment alters paragraph (2) to remove the stipulation that an inspection is required prior to issuance of an authorization. In many cases, the department is already familiar with or can easily evaluate a given situation without needing to physically visit a site.

The amendment to subsection (d) removes current language enumerating particulars (who is authorized to act under the authorization, means and methods of take, carcass disposal, etc.) and replaces it with a general provision stipulating that the department will address such particulars as part of the authorization, which is intended to simplify the rule and increase response times.

Similarly, the amendments to subsections (e) and (f) simplify current rule language. The amendment to subsection (e) simplifies provisions governing the period of validity of an authorization by removing language establishing specific time periods and subsequent extensions, replacing them with a general provision to establish that the period of validity of an authorization will be specified in the authorization. The amendment to subsection (f) replaces language regarding the specific process in current rule regarding tissue collection necessary for CWD testing and replaces it with a general provision allowing the department to specify in the authorization such processes and tissues as necessary for any given species of animal/disease.

The amendment to subsection (i) removes specific disposal requirements related to deer and replaces it with a provision allowing the department to specify carcass and tissue disposal measures in the authorization as necessary and appropriate, and for the same reasons identified earlier in this preamble in the discussion of the changes to subsections (e) and (f).

The department received seven comments opposing adoption of the rules as proposed. Of those comments, four provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow. The department notes that because some comments in opposition to the rules consisted of multiple points or components, the department has organized the response to public comment accordingly; therefore, the number of responses is greater than the number of commenters.

Two commenters opposed adoption of the rules as proposed and stated that the rules result in excess bureaucracy, authority, and overreach. The department disagrees with the comments and responds that it has a statutory duty to protect the indigenous wildlife of the state, the rule is consistent with that duty as well as with the authority granted by the legislature to the commission to implement it, and the rule as adopted in fact reduces complexity, simplifies regulatory presence, and facilitates administrative efficiency. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that too much is left to the discretion of the agency. The department disagrees with the comment and responds that it is impossible to craft rule language that anticipates all, most, or even many of the scenarios that could present themselves with respect to disease emergence and subsequent management ef-

forts for any given species; therefore broad language is necessary in order to provide the department with the latitude to respond quickly in the event that a disease emergency threatens the state's wildlife resources. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the language prohibiting the recording or photography of take activities will result in limited transparency and restricts the autonomy of landowners. The department disagrees with the comment and responds that it is not germane to the rule as proposed or adopted; however, the department notes that the rule is intended solely as a disease-management tool and not as a vehicle for curiosity media pieces, commercial exploitation, or public spectacle. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed, specifically, to the requirement for persons acting under the provisions of an authorization to possess a hunting license. The department disagrees with the comment and responds that the comment is not germane to the rule as proposed or adopted and in any case Parks and Wildlife Code, Chapter 42, provides that no person may take any animal or bird (with specific exceptions) without having first acquired a hunting license, which the commission does not possess the authority to eliminate or modify. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated concern regarding the take of avian wildlife species, including those protected under the federal Migratory Bird Treaty Act, under the guise of a response to Highly Pathogenic Avian Influenza ("bird flu"), and whether this could be used to kill endangered or closely monitored species. The department disagrees that the rule as adopted will, under any circumstances, be used for any purpose other than legitimate, articulable, and scientifically defensible disease-management purposes or that the rule exempts any prohibitions under federal law, which the commission does not possess the authority to eliminate or modify. No changes were made as a result of the comment.

The department received 17 comments supporting adoption of the rules as proposed.

The Texas and Southwestern Cattle Raisers Association and the Texas Wildlife Association supported adoption of the rules as proposed.

The amendment is adopted under the authority of Parks and Wildlife Code, §12.013, which authorizes the commission to adopt rules governing the take of wildlife under the supervision of a department employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife.

§65.907. Special Take Authorization - Wildlife.

(a) The department may issue a special take authorization for the take of wildlife for purposes of assisting the department in conducting wildlife disease diagnosis, management, or prevention (hereinafter, "special take authorization"), as provided in this subsection. A person may request a special take authorization by completing and submitting a request on a form supplied or approved by the department for that purpose.

(1) The department will not consider an incomplete request for a special take authorization.

(2) The department may, at its discretion, conduct an inspection.

(3) A special take authorization shall be issued only to a named individual and not in the name of any corporation, business, association, or group.

(b) A special take authorization is not valid until:

(1) the requester has acknowledged, in writing via email to the department employee identified as the supervisory point of contact, that the requester and all agents of the requester have read and understand all:

(A) provisions of the special take authorization; and

(B) attendant obligations of the person to whom the special take authorization is issued and that person's agents; and

(2) it has been approved in writing by the director of the department's Wildlife Division or designee and the director of the department's Law Enforcement Division or designee.

(c) A special take authorization shall specify the number and species of wildlife to be taken. No wildlife other than the number and species authorized shall be taken.

(d) The conditions and requirements for the take of wildlife shall be listed in the special take authorization.

(e) A special take authorization is valid for the duration specified in the special take authorization issued to the requester. A copy of the special take authorization or a reproduction of the special take authorization on an electronic device (such as a cell phone or tablet) shall be produced upon request of a department employee in the discharge of their official duties. A copy of the email from the department granting an extension of a special take authorization or a reproduction of that email on an electronic device (such as a cell phone or tablet) shall be produced upon request of a department employee in the discharge of their official duties.

(f) Any tissues or parts of wildlife specified in the authorization must be submitted to the department or an approved lab as directed in the special take authorization.

(g) The department will not issue a special take authorization for the take of wildlife on any tract of land unless:

(1) the owner of the land is in compliance with all applicable provisions of Chapter 65, Subchapter A and Subchapter B, of this title; or

(2) the department determines that the disease management value of the prospective activities is a factor of such significance that approval is warranted.

(h) Wildlife taken during the period of validity of a special take authorization shall be reported to the department within 24 hours of removal via email or other department approved notification method to the department's wildlife division representative coordinating the authorization.

(i) Following submission to the department of any tissues or parts necessary as directed in a special take authorization, a person to whom the special take authorization or an agent thereof shall dispose of all remaining portions or parts of wildlife as directed by the department in the special take authorization.

(j) The department will not issue a special take authorization unless the requester agrees in writing not to record by means of video, photograph, or other electronic media the act of taking or attempting to take wildlife under a special take authorization, or allow such recordings, or to make such recordings available to the public.

(k) This section shall not be construed to relieve any person of the obligation to comply with any applicable municipal, county, state, or federal law, except as may be specifically authorized with respect to Parks and Wildlife Code and the regulations of the commission.

(l) It is an offense for any person to:

(1) take or attempt to take wildlife under a special take authorization without possessing a hunting license valid for the take of deer in Texas;

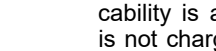
(2) sell, barter, offer to sell or barter, or otherwise give or receive anything of value in exchange for taking or allowing the take of wildlife or any parts of the animal under a special take authorization.

(m) The validity of a special take authorization is completely conditioned on the conduct of the person to whom the special take authorization is issued and agents of that person. Failure to abide by or comply with any provision of a special take authorization, as determined by the department, automatically invalidates the authorization and subjects the violator to prosecution for applicable violations of Parks and Wildlife Code, Chapters 42, 43, 61, 62, or 63 and any department regulations related to the take of wildlife listed on the authorization for take.

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 8, 2026.

TRD-202602794
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: July 28, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 389-4775



PART 18. TEXAS GROUNDWATER PROTECTION COMMITTEE

CHAPTER 601. GROUNDWATER CONTAMINATION REPORT

The Texas Groundwater Protection Committee (TGPC or committee) adopts amendments to 31 Texas Administrative Code (TAC) §§601.1 - 601.3, 601.5, and 601.10.

Amended §§601.1 - 601.3, 601.5, and 601.10 are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2611) and, therefore, will not be republished.

Background and Summary of the Factual Basis for the Adopted Rules

The purpose of this rule adoption is to implement the provisions of Senate Bill (SB) 2124 and to address provisions of SB 1663, both passed during the 89th Legislature Regular Session (2025).

SB 2124 amended the publication deadline for the committee's annual Joint Groundwater Monitoring and Contamination Report (Joint Report). SB 1663 amended the list of entities to receive notice of groundwater contamination to include the residents of each residential address within one mile of the contamination site and allowed alternative delivery methods.

The rule adoption amends the publication deadline for the Joint Report to align with the date referenced in Texas Water Code (TWC), §26.406(c) and updates the form and content for a notice of groundwater contamination to more closely align with the new requirements in TWC, §26.408(b). The rule adoption also makes clarifying language updates to one sub-section of 31 TAC Chapter 601, along with additional non-substantive grammatical and formatting changes for improved clarity and consistency.

The rules in 31 TAC Chapter 601 define the conditions that constitute groundwater contamination for the purpose of inclusion of cases in the public files for each state agency having responsibilities related to the protection of groundwater. The rules also describe the contents of the committee's Joint Report required under TWC, §26.406. The Joint Report describes the current status of groundwater monitoring activities conducted by or required by each agency at regulated facilities or associated with regulated activities; contains a description of each case of groundwater contamination documented during the previous calendar year; contains a description of each case of contamination documented during the previous year for which enforcement action was incomplete at the time of issuance of the preceding report; and, indicates the status of enforcement action for each case of contamination which is listed.

The rules also specify the form and content of a notice of groundwater contamination as directed by TWC, §26.408(c). The charge to the committee under TWC, §26.408(c) is limited to adopting rules that prescribe the form and content of the notice required under §26.408(b). Currently, 31 TAC §601.10 references who receives notice: specifically, the owner of a private drinking water well that may be affected by the contamination and each applicable Groundwater Conservation District (GCD). SB 1663 added that notice must be provided to all residents at each residential address within one mile of the contamination, which is not included in the rule. Since applicability is addressed by TWC, §26.408(c) and the committee is not charged by statute with further defining applicability, the adopted rulemaking removes applicability provisions in the first paragraph of 31 TAC 601.10. The adopted rulemaking also updates the content of the notification.

Section by Section Discussion

The adopted amendment to §601.1, Purposes of Rules, adds a comma at the end of sub-section (2) and clarifies that the form and content of the notice of groundwater contamination is required under TWC, §26.408(c).

The adopted amendment to §601.2, Applicability, adds a comma at the end of sub-section (9).

The adopted amendment to §601.3, Definitions, in sub-section (8), removes a comma after "Texas Water Code, §26.403(c)" and updates the names of two member agencies to match those listed in §601.2, Applicability.

The adopted amendment to §601.5, Joint Groundwater Monitoring and Contamination Report, aligns the Joint Report's publication deadline with the date referenced in TWC, §26.406(c), clarifies that the Joint Report is an annual report, and adds a comma at the end of sub-section (2).

The adopted amendment to §601.10, Form and Content of Groundwater Contamination Notice, clarifies that the form and content of the notice of groundwater contamination is required under TWC, §26.408(c); references TWC, §26.408(b) instead of listing those that receive the notification; adds a comma at the

end of sub-section (1); and, updates the content of the notice of groundwater contamination required under TWC, §26.408(c) to include a website or other resource with the name of the contaminant(s), the general location of the known groundwater contamination, and contact options for further information.

Final Regulatory Impact Determination

The committee reviewed the adopted amendments in consideration of the regulatory analysis of major environmental rules required by the Texas Government Code (TGC). The following is a summary of that review.

The committee determined that the rulemaking is not subject to TGC, §2001.0225(a) because it does not meet the definition of a "Major environmental rule" as that term is defined in TGC, §2001.0225(g)(3).

Section 2001.0225 applies to a "Major environmental rule" adopted by a state agency, the result of which is to exceed standards set by federal law, exceed express requirements of state law, exceed requirements of delegation agreements between the state and the federal government to implement a state and federal program, or adopt a rule solely under the general powers of the agency instead of under a specific state law. A "Major environmental rule" is 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 or the state.

The 89th Legislature Regular Session (2025) enacted SB 2124, which amended TWC, Chapter 26, Subchapter J (Groundwater Protection) by changing the date referenced in TWC, §26.406(c), which is also the date the committee, in conjunction with the commission, must publish not later than June 1, rather than April 1, of each year a "Joint Groundwater Monitoring and Contamination Report" (Joint Report) covering the activities and findings of the committee made during the previous calendar year as part of its continuing duty to coordinate state agency actions to protect groundwater quality and terrestrial and aquatic life.

The committee's rules require that in cases of groundwater contamination, all state agencies having responsibilities related to protecting groundwater must document each case in the public files of that state agency. The Joint Report requires these applicable state agencies' programs to close out calendar year activities and gather and analyze significant volumes of data. The committee must then combine all the agencies' programs' data and conduct further analysis. Because quality assurance and control are integral components of the process to prepare the Joint Report, changing the date that the Joint Report must be published to June 1, rather than April 1, of each year the Joint Report is required, allows the committee two more months to finish the time-intensive analysis required to prepare the Joint Report.

Therefore, the specific intent of the adopted rule amendments is related to maximizing the quality assurance and control integral to the committee's implementation of state law. SB 2124 amends Chapter 26 of the TWC by changing the date referenced in TWC, §26.406(c), and the adopted rulemaking amends the committee rules found at Title 31 of the Texas Administrative Code, Chapter 601 (Groundwater Contamination Report), which implements TWC, Subchapter J (Groundwater Protection). The adopted rule amendments align the Joint Report's publication deadline with the date referenced in TWC, §26.406(c).

Certain aspects of the committee's Joint Report rules are intended to protect the environment or reduce risks to human health from environmental exposure. However, the adopted rulemaking will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, or jobs; nor would the adopted rulemaking adversely affect in a material way the environment, or the public health and safety of the state or a sector of the state. Therefore, the adopted rulemaking does not fit the TGC, §2001.0225 definition of "Major environmental rule."

Even if this rulemaking was a "Major environmental rule," this rulemaking meets none of the criteria in TGC, §2001.0225 for the requirement to prepare a full Regulatory Impact Analysis. First, this rulemaking is not governed by federal law. Second, it does not exceed state law but rather amends an applicable date within state law and committee rules. Third, it does not come under a delegation agreement or contract with a federal program, and finally, it is not being adopted under the committee's general rulemaking authority. This rulemaking is being adopted under a specific state statute amended in SB 2124 of the 89th Legislature Regular Session (2025) and implements existing state law found at TWC, §26.406 that mandates that the committee publish a Joint Report. Because this adoption does not constitute a major environmental rule, a regulatory impact analysis is not required. Therefore, the committee does not adopt the rule solely under the committee's general powers.

The committee invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period and no comments were received on that determination.

Takings Impact Assessment

The committee evaluated the adopted rulemaking and performed an analysis of whether it constitutes a taking under TGC, Chapter 2007. The following is a summary of that analysis.

Under TGC, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action and is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The specific purpose of the adopted rulemaking is to implement the legislative amendments to the TWC in SB 2124 by amending committee's Joint Report rules. The committee's Joint Report rules do not regulate property but instead regulate the documentation of groundwater contamination. The adopted rulemaking will substantially advance the stated purpose by amending rule language that requires that the committee publish the Joint Report on April 1 of a calendar year that a Joint Report is required, to June 1 of that calendar year.

Promulgation and enforcement of the adopted rules will not be a statutory or constitutional taking of private real property because, as the committee's analysis indicates that Chapter 2007

of the TGC does not apply to these adopted rules because these rules do not impact private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. Specifically, the adopted rulemaking does not apply to or affect any landowner's rights in any private real property because it does not burden (constitutionally), restrict, or limit any landowner's right to real property and reduce any property's value by 25% or more beyond that which would otherwise exist in the absence of the regulations. The primary purpose of the adopted rules is to implement SB 2124 by changing the date referenced in TWC, §26.406(c). The adopted rulemaking is reasonably taken to fulfill requirements of state law. Therefore, the adopted rulemaking will not cause a taking under TGC, Chapter 2007.

The committee invited public comments regarding the Takings Impact Assessment during the public comment period and no comments were received regarding the Takings Impact Assessment.

Consistency with the Coastal Management Program

The committee reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11, nor will it affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11. Therefore, the adopted rule is not subject to the Texas Coastal Management Program (CMP).

The committee invited public comments regarding the consistency with the CMP during the public comment period and no comments were received regarding the CMP.

Public Comment

The comment period closed on May 26, 2026. The committee received comments from one individual. The commentor was not in support of or against the rulemaking, and the commentor did not suggest any changes to the proposal.

Response to Comments

Comment

The commentor asked why a developer was planning to route treated wastewater across his property.

Response

The committee acknowledges the comment. The comment is outside of the scope of this rulemaking, and no changes were made in response to the comment.

SUBCHAPTER A. GENERAL PROVISIONS RELATING TO PUBLIC FILES AND JOINT REPORT

31 TAC §§601.1 - 601.3, 601.5

Statutory Authority

The Texas Groundwater Protection Committee (TGPC or committee) adopts these amendments to the committee's rules under the Texas Water Code (TWC). TWC, §26.403 establishes the committee and its members, while TWC, §26.401 identifies the committee's purpose, and TWC, §26.405 provides the committee with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §26.405(1). TWC, §§26.404(e) and 26.406(d) require the committee to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state. Lastly, TWC, §26.406(c) requires the committee, in conjunction with the commission, to publish the annual Joint Groundwater Monitoring and Contamination Report (Joint Report).

These amendments implement Senate Bill 2124, 89th Legislature Regular Session (2025), TWC, §§26.401, 26.403 - 26.406.

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 10, 2026.

TRD-202602853
Amy Browning
Deputy Director, Environmental Law Division
Texas Groundwater Protection Committee
Effective date: July 30, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 239-2678

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SUBCHAPTER B. NOTICE OF GROUNDWATER CONTAMINATION

31 TAC §601.10

Statutory Authority

The Texas Groundwater Protection Committee (TGPC or committee) adopts these amendments to the committee's rules under the Texas Water Code (TWC). TWC, §26.403 establishes the committee and its members, while TWC, §26.401 identifies the committee's purpose, and TWC, §26.405 provides the committee with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §26.405(1). TWC, §§26.404(e) and 26.406(d) require the committee to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state. Lastly, TWC, §26.408(c) requires the committee, by rule, to prescribe the form and content of the groundwater contamination notice required under TWC, §26.408(b).

These amendments address provisions of Senate Bill 1663, 89th Legislature Regular Session (2025), TWC, §26.408(b).

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 10, 2026.

TRD-202602854
Amy Browning
Deputy Director, Environmental Law Division
Texas Groundwater Protection Committee
Effective date: July 30, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 239-2678

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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

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Public Utility Commission of Texas

Title 16, Part 2

The Public Utility Commission of Texas (commission) publishes this notice of intention to review Chapter 28, Substantive Rules Applicable to Cable and Video Service Providers, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at www.puc.texas.gov.

Texas Government Code §2001.039 requires that each state agency review and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to Texas Government Code, Chapter 2001, Subchapter B, Rulemaking. As required by Texas Government Code §2001.039(e), this review is to assess whether the reasons for adopting or readopting a rule continue to exist. The commission requests specific comments from interested persons on whether the reasons for adopting each rule section in Chapter 28 continue to exist.

If it is determined during this review that any other section of Chapter 28 needs to be repealed or amended, the repeal or amendment will be initiated under a separate proceeding. Thus, this notice of intention to review Chapter 28 has no effect on the sections as they currently exist.

Interested persons may file comments on the review of Chapter 28 electronically through the interchange on the commission's website by Monday, August 10, 2026. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 59472.

The notice of intention to review Chapter 28 is proposed for publication under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002, which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction and Texas Government Code §2001.039 which requires each state agency to review its rules every four years.

Cross Reference to Statutes: Texas Utilities Code Annotated, Title II, Public Utility Regulatory Act, §14.002; Texas Government Code §2001.039.

TRD-202602811
Katelyn Lewis
Special Projects Coordinator
Public Utility Commission of Texas
Filed: July 9, 2026

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Texas Board of Chiropractic Examiners

Title 22, Part 3

The Texas Board of Chiropractic Examiners (TBCE) files this notice of intention to review 22 TAC Ch. 71, Rules Relating to the Provisions of the Texas Chiropractic Act. This review is undertaken pursuant to Government Code, §2001.039.

During the review process, TBCE may determine whether a specific rule requires amendments to refine TBCE's legal and policy considerations; whether the rules reflect current TBCE procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or re-peal. Final consideration of this rule review is expected at the TBCE meeting in November 2026.

Any questions or comments pertaining to this notice of intention to review should be directed to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 Congress Ave Ste 10.500, Austin, Texas 78701 or to rules@tbce.state.tx.us within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

TRD-202602887
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Filed: July 14, 2026

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The Texas Board of Chiropractic Examiners (TBCE) files this notice of intention to review 22 TAC Ch. 72, Rules Relating to the Provisions of the Texas Chiropractic Act. This review is undertaken pursuant to Government Code, §2001.039.

During the review process, TBCE may determine whether a specific rule requires amendments to refine TBCE's legal and policy considerations; whether the rules reflect current TBCE procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published

in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or re-peal. Final consideration of this rule review is expected at the TBCE meeting in November 2026.

Any questions or comments pertaining to this notice of intention to review should be directed to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 Congress Ave Ste 10.500, Austin, Texas 78701 or to rules@tbce.state.tx.us within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

TRD-202602888
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Filed: July 14, 2026

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The Texas Board of Chiropractic Examiners (TBCE) files this notice of intention to review 22 TAC Ch. 73, Rules Relating to the Provisions of the Texas Chiropractic Act. This review is undertaken pursuant to Government Code, §2001.039.

During the review process, TBCE may determine whether a specific rule requires amendments to refine TBCE's legal and policy considerations; whether the rules reflect current TBCE procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or re-peal. Final consideration of this rule review is expected at the TBCE meeting in November 2026.

Any questions or comments pertaining to this notice of intention to review should be directed to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 Congress Ave Ste 10.500, Austin, Texas 78701 or to rules@tbce.state.tx.us within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

TRD-202602889
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Filed: July 14, 2026

♦ ♦ ♦

The Texas Board of Chiropractic Examiners (TBCE) files this notice of intention to review 22 TAC Ch. 74, Rules Relating to the Provisions of the Texas Chiropractic Act. This review is undertaken pursuant to Government Code, §2001.039.

During the review process, TBCE may determine whether a specific rule requires amendments to refine TBCE's legal and policy considerations; whether the rules reflect current TBCE procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or re-peal. Final consideration of this rule review is expected at the TBCE meeting in November 2026.

Any questions or comments pertaining to this notice of intention to review should be directed to Rudy Calderon, General Counsel, Texas Board of Chiropractic Examiners, 1801 Congress Ave Ste 10.500, Austin, Texas 78701 or to rules@tbce.state.tx.us within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

TRD-202602890
Rudy Calderon
General Counsel
Texas Board of Chiropractic Examiners
Filed: July 14, 2026

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Texas Groundwater Protection Committee

Title 31, Part 18

The Texas Groundwater Protection Committee (TGPC or committee) files this notice of intention to review and proposes the readoption of Chapter 601, Groundwater Contamination Report.

This review of Chapter 601 is proposed in accordance with the requirements of Texas Government Code (TGC), §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The review must include an assessment of whether the reasons for the rules continue to exist.

CHAPTER SUMMARY

The TGPC was created by the 71st Texas Legislature in 1989 to bridge gaps between existing state groundwater programs and to optimize water quality protection by improving coordination among agencies involved in groundwater activities. The committee's rules in Chapter 601 define the conditions that constitute groundwater contamination for purposes of inclusion of cases in the public files for each state agency having responsibilities related to the protection of groundwater. These rules also describe the contents of the committee's Joint Groundwater Monitoring and Contamination Report ("Joint Report") required under Texas Water Code (TWC), §26.406(c), which must be published no later than June 1st of each year and document the activities and findings of the committee made during the previous calendar year. The Joint Report must describe the current status of groundwater monitoring activities conducted by or required by each agency at regulated facilities or associated with regulated activities; contain a description of each case of groundwater contamination documented during the previous calendar year; describe each case of contamination for which enforcement action was incomplete at the time of issuance of the preceding Joint Report; and indicate the status of enforcement actions for each case of contamination listed in the Joint Report. The rules also specify the form and content of notices of groundwater contamination required under TWC §26.408(c) that must be provided under TWC, §26.408(b).

PRELIMINARY ASSESSMENT OF WHETHER THE REASONS FOR THE RULES CONTINUE TO EXIST

The committee conducted a preliminary review and determined that the reasons for the rules in Chapter 601 continue to exist. Chapter 601 is necessary because TWC, §26.406(d) specifically provides that the committee must adopt rules defining the conditions that constitute

groundwater contamination for purposes of inclusion of cases in the public files and the Joint Report required by TWC, §26.406(c), while TWC, §26.408(c) specifically directs the committee to designate the form and content of the notice of groundwater contamination provided under TWC, §26.408(b). To meet these statutory requirements, the rules provide the definitions and applicability for maintaining public files on groundwater contamination cases and contents of the annual Joint Report required by TWC, §26.406(d) and the form and content of the notices required by TWC, §26.408(c).

PUBLIC COMMENT

This proposal is limited to the review in accordance with the requirements of TGC, §2001.039. The committee invites public comment on whether the reasons for the rules in Chapter 601 continue to exist. 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 Texas Commission on Environmental Quality (TCEQ) Public Comments system. All comments should reference TGPC - Groundwater Contamination Report Quadrennial Rule Review. The comment period closes on August 24, 2026. Please choose one of the methods provided to submit your written comments. Copies of the proposed rulemaking can be obtained from the committee's website at *https://www.tgpc.texas.gov*. For further information, please contact Michael Parr, TCEQ Environmental Law Division, (512) 239-0611, or Kathy McCormack, TCEQ Water Availability Division, (512) 239-3975.

TRD-202602856
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Groundwater Protection Committee
Filed: July 10, 2026

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Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 62, Commissioner's Rules Concerning Options for Local Revenue Levels in Excess of Entitlement, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 62 in the April 17, 2026 issue of the *Texas Register* (51 TexReg 2517).

Relating to the review of Chapter 62, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules.

TEA received comments related to the review of Chapter 62. Following are the comments received and the corresponding responses.

Comment: A parent expressed concerns about Texas public school funding, including the use of recapture (Robin Hood) and the state's reliance on local property tax revenue. The parent stated that this approach reduces the state's financial contribution to public education and creates inequities between traditional public schools and charter schools. The parent recommended increasing the basic allotment and changing how recapture funds are used.

Response: This comment is outside the scope of this rule review. The issues raised by the parent relate to broader state funding policy and statutory provisions determined by the Texas Legislature. Chapter 62 implements applicable law regarding local revenue in excess of entitlement and does not address the broader school finance policy issues raised in the comment. No changes to the rules are proposed in response.

No changes are anticipated as a result of this review.

This concludes the review of Chapter 62.

TRD-202602797
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 8, 2026

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The Texas Education Agency (TEA) adopts the review 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter AA, Commissioner's Rules Concerning Special Education Services; Subchapter BB, Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students; Subchapter DD, Commissioner's Rules Concerning High School Equivalency Programs; Subchapter EE, Commissioner's Rules Concerning the Communities in Schools Program; Subchapter FF, Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care; Subchapter GG, Commissioner's Rules Concerning Dropout Prevention Strategies; and Subchapter HH, Commissioner's Rules Concerning Education in a Juvenile Residential Facility, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 89, Subchapters AA, BB, and DD-HH, in the February 27, 2026 issue of the *Texas Register* (50 TexReg 1313).

Relating to the review of Chapter 89, Subchapters AA, BB, and DD-HH, TEA finds that the reasons for adopting these rules continue to exist and readopts the rules.

TEA received comments related to the review of Subchapters AA, BB, EE, and GG. Following are the comments received and the corresponding responses.

Subchapter AA

Comment: Disability Rights Texas (DRTx) recommended updating §89.1005 to improve transparency and documentation related to students educated in "shadow campuses," emphasizing the importance of accurately reporting where students with disabilities receive instruction to ensure compliance with least restrictive environment requirements.

Response: The agency provides the following clarification. A new data element called educational environment will be added to special education data collection in the 2026-2027 school year. Suggestions for revisions could be made through that special education data collection process and when the Student Attendance Accounting Handbook (SAAH) adopted by reference under 19 TAC §129.1025 is proposed for amendment in the July 10, 2026 issue of the *Texas Register*.

Comment: DRTx urged revisions to §89.1005(e)(2), related to the homebound instructional arrangement/setting, to clarify that admission, review, and dismissal (ARD) committees determine individualized services for students in homebound placements. DRTx raised concerns about the setting being used with early childhood special education students and suggested safeguards, including physician documentation.

Response: The agency provides the following clarification. Home-based placements for three-to-five-year-olds have not been restricted to medical reasons for many years. Further, a young child's natural environment must be of primary consideration when determining least restrictive environment. The agency notes, however, that recommendations for revisions to this practice could also be made when the SAAH

adopted by reference under 19 TAC §129.1025 is proposed for amendment in the July 10, 2026 issue of the *Texas Register*.

Comment: The Texas Association of School Psychologists (TASP) requested an amendment to Chapter 89 to allow school psychologists to verify Attention-Deficit/Hyperactivity Disorder (ADHD) for Other Health Impairment (OHI) eligibility. TASP noted that Individuals with Disabilities Education Act (IDEA) regulations do not require physician verification, emphasized school psychologists' qualifications to conduct ADHD evaluations, and stated that requiring physician verification delays access to special education services, particularly in rural and underserved communities.

Response: The agency provides the following clarification. The commenter's suggested change would need to be discussed with a variety of stakeholders prior to the agency recommending an amendment to §89.1040. The agency will consider adding this suggestion for discussion with its continuing advisory committee for special education.

Comment: DRTx, Texas Appleseed, Texas Parent to Parent (TxP2P), Educators in Solidarity (EIS), Prevention Institute, Texas American Federation of Teachers (AFT), Arc of Texas, Coalition for Texans with Disabilities (CTD), Mental Health America of Greater Houston (MHA-H), TASP, Jodie Smith Law, Houston Area Urban League (HAUL), Intercultural Development Research Association (IDRA), the National Association of Social Workers Texas Chapter (NASW-TX), and the Education Justice Coalition (EJC) urged strengthening §89.1053 to align with statute on seclusion, including explicitly defining seclusion to cover blocked or obstructed exits, and improving oversight due to risk of harm in isolated settings. DRTx also recommended allowing parents to request video monitoring and clarifying that such spaces be treated as special education settings for accountability purposes.

Response: The agency agrees. An amendment to §89.1053 was published as proposed in the May 8, 2026 issue of the *Texas Register*. The proposed amendment would incorporate several of the issues raised by the commenters, including alignment with statutory language related to seclusion and clarification of practices intended to strengthen oversight and student protections. The agency will continue to consider stakeholder input as part of the ongoing rulemaking process.

Comment: DRTx recommended amending §89.1075 to require districts to conduct structured self-assessments of their 18-plus programs, focusing on transition planning, individualized programming, community-based instruction, data collection on post-school outcomes, and use of evidence-based transition practices.

Response: The agency disagrees that this change is necessary but will consider developing best practice guidance around the topic.

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, NASW-TX, and the EJC commented that §89.1100 references outdated agencies and memoranda of understanding and recommended updating the rule to reflect the current Texas Health and Human Services memorandum following agency restructuring.

Response: The agency agrees and anticipates proposing an amendment to §89.1100 later this year. The proposed amendment would address updates to reflect current agencies and memoranda of understanding.

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, NASW-TX, and the EJC commented that §89.1115 contains outdated references and recommended updating them and clarifying the responsibilities of local education agencies (LEAs) and residential facilities in ensuring the provision of a free appropriate public education to students with disabilities residing in residential facilities.

Response: The agency agrees and anticipates proposing an amendment to §89.1115 later this year. The proposed amendment would address the concerns presented by the commenters.

Comment: DRTx recommended revising §89.1150 to explicitly reference federal stay-put protections under IDEA, emphasizing the importance of ensuring parents and school districts are aware of this procedural safeguard during due process disputes.

Response: The agency disagrees that a specific change is necessary but will consider this in future iterations of technical assistance documents.

Subchapter BB

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, NASW-TX, and the EJC recommended revising Subchapter BB to preserve dual language immersion program standards, strengthen monitoring of bilingual program exceptions and English as a second language waivers, require clearer justification for alternative dual language program models, and establish transparent rules for distributing capped allotment funds.

Response: The agency agrees and anticipates proposing amendments to the rules later this year.

Comment: Laredo Independent School District commented in support of the professional development requirements in §89.1207(d)(5) and (e)(4) but stated that requiring districts, particularly smaller districts, to set aside 10% of Bilingual Education Allotment (BEA) funds for this purpose is excessive and recommended reducing it for greater flexibility.

Response: This comment is outside the scope of the proposed rulemaking. The agency may consider this recommendation in future rulemaking later this year.

Subchapter EE

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, and NASW-TX commented on the statutory requirement in Texas Education Code (TEC), §33.154, for annual rule updates.

Response: The agency agrees that TEC, §33.154(b), requires an annual update to the Communities In Schools rules in Subchapter EE. The agency is currently determining how best to update those rules.

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, The Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, and NASW-TX commented on the efficacy of the Communities In Schools program and the interest in seeing the program grow across Texas through promotion, marketing, supporting communities wanting to participate, training, and technical assistance.

Response: The agency agrees and recognizes the effectiveness of the Communities In Schools program and supports continued growth to serve additional school systems across Texas. The agency provides ongoing training and technical assistance for participating communities and programs.

Subchapter GG

Comment: DRTx, Texas Appleseed, TxP2P, EIS, Prevention Institute, Texas AFT, Arc of Texas, CTD, MHA-H, TASP, Jodie Smith Law, HAUL, IDRA, NASW-TX, and the EJC urged TEA to revise §89.1701 to provide additional guidance to LEAs on developing effective dropout prevention strategies, including addressing exclusionary discipline, inadequate supports for English learners, chronic

absenteeism, and alignment with recent legislation related to truancy and attendance.

Response: The agency disagrees that a specific change is necessary but will consider whether future rule changes are necessary based on the suggestions.

TEA anticipates updating rules in Chapter 89, Subchapters AA, BB, and HH, as a result of legislation from the 89th Texas Legislature, Regular Session, 2025. No additional changes are anticipated to Subchapters AA and BB.

As a result of public comment, TEA plans to update the rules in Subchapter EE to align with TEC, §33.154(b).

No changes are anticipated to Subchapter DD, FF, or GG.

This concludes the review of Chapter 89.

TRD-202602798
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 8, 2026

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The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 105, Foundation School Program, Subchapter AA, Commissioner's Rules Concerning Optional Extended Year Program; Subchapter BB, Commissioner's Rules Concerning Charter School Funding; Subchapter CC, Commissioner's Rules Concerning Severance Payments Subchapter; and Subchapter DD, Commissioner's Rules Concerning University Interscholastic League Allotment, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 105 in the January 2, 2026 issue of the *Texas Register* (51 TexReg 163).

Relating to the review of 19 TAC Chapter 105, TEA finds that the reasons for adopting these rules continue to exist and readopts the rules.

TEA received no comments related to the review of Chapter 105.

At a later date, TEA will consider updating provisions in Subchapter AA, §105.1001, Optional Extended Year Program.

This concludes the review of Chapter 105.

TRD-202602795
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 8, 2026

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The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 152, Commissioner's Rules Concerning Examination Requirements, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 152 in the January 30, 2026 issue of the *Texas Register* (51 TexReg 629).

Relating to the review of 19 TAC Chapter 152, TEA finds that the reasons for adopting this rule continue to exist and readopts the rule.

TEA received no comments related to the review of Chapter 152.

No changes are anticipated as a result of this review.

This concludes the review of Chapter 152.

TRD-202602796
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 8, 2026

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The Texas Education Agency (TEA) adopts the review 19 TAC Chapter 161, Commissioner's Rules Concerning Advisory Committees, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 161 in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2410).

Relating to the review of 19 TAC Chapter 161, TEA finds that the reasons for adopting these rules continue to exist and readopts the rules.

TEA received no comments related to the review of Chapter 161.

At a later date, TEA anticipates changes to §§161.1001, 161.1002, and 161.1003 to update rules addressing the establishment of advisory committees' operating procedures, and the list of established committees.

This concludes the review of Chapter 161.

TRD-202602799
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 8, 2026

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Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 296, Texas Asbestos Health Protection

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3717) for public comment.

The 31-day comment period ended June 29, 2026. During this period, DSHS did not receive any comments regarding the proposed rule review.

DSHS has reviewed Chapter 296 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 296. Any amendments, if applicable, to Chapter 296 identified by DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 296 as required by Texas Government Code §2001.039.

TRD-202602858
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: July 13, 2026

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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 303, Preadmission Screening And Resident Review (PASRR)

Notice of the review of this chapter was published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3617) for public comment.

The 31-day comment period ended June 22, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 303 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 303. Any amendments, if applicable, to Chapter 303 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 303 as required by Texas Government Code §2001.039.

TRD-202602834
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: July 10, 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 357, Independent Living Services Program

Notice of the review of this chapter was published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3618) for public comment.

The 31-day comment period ended June 22, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 357 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 357. Any amendments, if applicable, to Chapter 357 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 357 as required by Texas Government Code §2001.039.

TRD-202602801
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: July 9, 2026

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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 363, County Indigent Health Care Program

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3718) for public comment.

The 31-day comment period ended June 29, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 363 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 363. Any amendments, if applicable, to Chapter 363 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 363 as required by Texas Government Code §2001.039.

TRD-202602857
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: July 13, 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 990, Anatomical Gift

Notice of the review of this chapter was published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3157) for public comment.

The 31-day comment period ended June 8, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 990 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 990. Any amendments, if applicable, to Chapter 990 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 990 as required by Texas Government Code §2001.039.

TRD-202602800
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: July 9, 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: 10 TAC §7.40(b)(2)

Criterion	1 Point	2 points	3 points	4 Points	5 Points	6 Points	8 Points	10 Points
Serving Homeless Subpopulations	Minimum target of 70%	Minimum target of 80%	Minimum target of 90%	Minimum target of 95%	Minimum target of 100%	N/A	N/A	N/A
Exit to a positive housing destination	N/A	25% of persons served	35% of persons served	45% of persons served	55% of persons served	N/A	N/A	N/A
Experience proving applicable services	N/A	Up to 2 years	N/A	Up to 4 years	N/A	Up to 6 years	Up to 8 years	10 years or more

Figure: 10 TAC §7.40(b)(4)

Qualification	Points
Licensed mental health provider (Texas-licensed behavioral health professional, including Licensed Professional Counselors or Licensed Clinical Social Workers)	2
Staff fluent in one or more Applicant-identified languages needed to ensure equitable access for persons with Limited English Proficiency (LEP)	2
Program includes a paid staff member with lived experience of homelessness	2

Figure: 10 TAC §7.40(c)(1)

Criterion	1 Point	2 points	3 points
Street outreach temporary/transitional/permanent housing target	Minimum target of 35%	Minimum target of 45%	Minimum target of 55%
Emergency shelter permanent housing placement	Minimum target of 35%	Minimum target of 45%	Minimum target of 55%
Homelessness prevention maintaining housing for 3 months	Minimum target of 50%	Minimum target of 60%	Minimum target of 70%
Rapid Re-housing maintaining housing for 3 months	Minimum target of 50%	Minimum target of 60%	Minimum target of 70%

Figure: 10 TAC §7.40(d)(2)

Criterion	2 points	3 points	4 points	5 points
Street Outreach Services	Providing street outreach engagement & case management	Providing street outreach engagement, case management, & 1 other service	Providing street outreach engagement, case management, & 2 other service	Providing street outreach engagement, case management, & 3 other service
Emergency Shelter Services	Providing case management & 2 other services	Providing case management & 3 other services	Providing case management & 4 other services	Providing case management & 5 other services
Homelessness Prevention and rental assistance	Providing housing stability case management & 3 other services	Providing housing stability case management & 4 other services	Providing housing stability case management & 5 other services	Providing housing stability case management & 6 other services
Rapid re-housing services and rental assistance	Providing housing stability case management & 3 other services	Providing housing stability case management & 4 other services	Providing housing stability case management & 5 other services	Providing housing stability case management & 6 other services

Figure: 10 TAC §10.625

Noncompliance Event	Program(s)	If HTC, on Form 8823?
Violations of the National Standards for the Physical Inspection of Real Estate or Local Codes	All Programs	Yes
Noncompliance related to Affirmative Marketing Requirements	All Programs	No
Development is not available to the general public because of leasing issues	HTC, TCAP, and Exchange	Yes
TDHCA has received notice of possible Fair Housing Act Violation from HUD or DOJ and reported general public use violation in accordance with IRS 8823 Audit Guide Chapter 13	HTC	Yes
TDHCA has referred unresolved Fair Housing Design and Construction issue or other Fair Housing noncompliance to the Texas Workforce Commission	All programs	No
Development has gone through a deed in lieu of foreclosure or foreclosure	All programs	Yes
Development is never expected to comply due to failure to report or allow monitoring	All programs	Yes
Owner did not allow on-site monitoring or physical inspection and/or failed to notify residents resulting in inspection cancelation	All programs	Yes
LURA not in effect	All programs	Yes
Project failed to meet minimum set aside	HTC, TCAP, Exchange and Bonds	Yes
No evidence of, or failure to certify to material participation of a non-profit or HUB, if required by LURA	HTC, TCAP and Exchange	Yes, if non-profit issue, No, if HUB issue
Development failed to meet additional state required rent and occupancy restrictions	All programs	No
Noncompliance with social service requirements	All programs	No
Development failed to provide housing to the elderly as promised at application	All programs	No
Failure to provide special needs housing as required by LURA	All programs	No

Changes in Eligible Basis or Applicable percentage	HTC, TCAP, and Exchange	Yes
Failure to submit all or parts of the Annual Owner's Compliance Report	All programs	Yes for part A, No for other parts
Failure to submit reports or notices as required by §10.607 of this subchapter	All programs	No
Noncompliance with utility allowance requirements described in §10.614 of this subchapter and/or Treasury Regulation §1.42-10	All programs	Yes, if rent exceeds limit, no if related to noncompliance with other requirements, such as posting, updating etc.
Noncompliance with lease requirements described in §10.613 and/or §10.624 of this subchapter	All programs	No
Asset Management Division has reported that Development has failed to establish and maintain a reserve account in accordance with §10.404 of this Chapter	All programs	No
Failure to provide a notary public as promised at application	HTC, TCAP, and Exchange	No
Violation of the Unit Vacancy Rule	HTC, TCAP, and Exchange	Yes
Casualty Loss	All programs	Yes
Failure to provide monitoring and/or physical inspection documentation	All programs	No
Failure to provide amenity as required by LURA	All programs	No
Failure to pay asset management, compliance monitoring or other required fee	HTC, TCAP, ERA, Bond, NHTF, TCAP-RF, Exchange, HOME-ARP, HOME Match, and HOME/NSP Developments committed funds after August 23, 2013	No

Change in ownership without Department approval (other than removal of a general partner in accordance with §10.406 of this chapter)	All programs	No
Noncompliance with written policy and procedure requirements	All programs	No, unless finding is because Owner refused to lease to Section 8 households
Program Unit not leased to Low-Income household/ Household income above income limit upon initial Occupancy	All programs	Yes
Program unit occupied by nonqualified students	HTC, TCAP, and Exchange during the Compliance Period, Bond, HOME, 811 PRA, and HOME-ARP Developments	Yes
Low Income Units used on a transient basis	HTC, TCAP, Exchange and Bond	Yes
Violation of the Available Unit Rule	All programs, but only during the Compliance Period for HTC, TCAP, and Exchange	Yes

Gross rent exceeds the highest rent allowed under the LURA or other deed restriction	All programs	Yes
Failure to provide Tenant Income Certification and documentation	All programs	Yes
Unit not available for rent	All programs	Yes
Failure to collect data required by §10.612	All programs	No
Development evicted or terminated the tenancy of a low-income tenant for other than good cause. A properly documented nonrenewal as outlined in §10.802 of this title will be not be cited for HOME, HOME-ARP, and NHTF Developments with floating Units and HOME, HOME -ARP, and NHTF Developments with fixed Units	HTC, TCAP, Exchange, HOME, HOME- ARP, ERA, HOME Match, TCAP- RF, NHTF, and NSP	Yes

Household income increased above 80 percent at recertification and Owner failed to properly determine rent	HOME, TCAP-RF, HOME Match, ERA, and HOME ARP	No
Violation of the Integrated Housing Rule	All programs	No
Failure to resolve final construction deficiencies within the corrective action period	All programs	No
Noncompliance with the required accessibility requirements such as §504 of the Rehabilitation Act of 1973, the 2010 ADA standards as modified in the Department rules, or other accessibility related requirements of a Department rule, or as reflected in a Contract or LURA	All programs	No
Noncompliance with the notice to the Department requirements described in §10.609 of this subchapter	All programs	No
Failure to reserve Units for Section 811 participants	811 PRA	No
Failure to notify the Department of the availability of units, notices of termination, and outcomes of referred applications as described in accordance with §8.6 of this title.	811 PRA	No
Owner failed to check required criminal history	811 PRA	No
Failure to properly use or document Enterprise Income Verification System as required for 811 PRA	811 PRA	No
Failure to provide or document HUD forms required for Section 811 PRA	811 PRA	No
Failure to report an inoperable elevator within required timeframe	All programs	No
Accepted funding that limits Section 811 participation	811 PRA	No
Failure to document, calculate, or collect income and/or rent as required	811 PRA, HOME ARP	No
Failure to use HUD model lease or HUD Tenant Addendum, as required by the federal program	811 PRA , a Development subject to the 2025 HOME Final Rule, a Development with Department issued Project-Based Vouchers	No
Failure to meet, maintain, or disperse Section 811 units	811 PRA	No
Failure to conduct interim certifications	811 PRA	No

Failure to conduct annual income recertification	811 PRA	No
Asset Management Division has reported that Owner has failed to submit rents on an annual basis in accordance with §10.403 of this chapter	HOME, NSP, TCAP RF, HOME Match, HOME-ARP, and NHTF	No
Failure to document or comply with eligibility requirements for 811 PRA	811 PRA	No
Noncompliance with CHDO Requirements	HOME (inclusive of ROFR Purchases of HOME Developments completed on or after April 30, 2026	No
Failure to disperse unit designations across all Unit Types – Average Income only	HTC, TCAP and Exchange	No
Household income designations was improperly changed or removed	All programs	No
Failure to maintain the specific unit mix required in the Contract or Land Use Restriction Agreement (LURA)	HOME, HOME-ARP, ERA, HOME Match, 811 PRA, TCAP-RF, HTF, NSP, Section 8 Project Based Vouchers, and NHTF	No
Increased a household's rent more than one time during a 12-month period	All programs	No
Failure to issue a notice of rent increase in accordance with §10.622 of this subchapter	All programs	No
Failure to market to veterans and/or Public Housing Authority (PHA) waitlist as required in the LURA or application	All programs	No
Failure to follow a contractual condition (not otherwise described in 10.625) including but not limited to (as applicable by program) Build America Buy America Act, Uniform Relocation Assistance and Real Property Act, Section 104(d), Davis-Bacon and Related Acts, Violence Against Women Act, Lead-Based Paint, and Conflict of Interest Provisions	TCAP, HOME, HOME-ARP, ERA, HOME Match, TCAP- RF, NHTF, 811 PRA, Section 8 Project Based Vouchers, and NSP	No
Failure to include veteran statement in the application	All programs	No
Failure to accept rent that was paid on time and in full	All programs	No

Terminated utilities controlled by the Development Owner during a period prohibited by the applicable federal program or under state law	All programs	No
Failure to calculate, charge, collect, or refund a security or pet deposit as required for 811 PRA	811 PRA	No
A fee or deposit was charged that is impermissible for 811 PRA	811 PRA	No
Failure to issue utility allowance reimbursement in accordance with Section 811 only	811 PRA	No
Failure to provide or document initial or reminder notices for recertification as required for 811 PRA	811 PRA	No
Failure to document or comply with unit inspection file requirements for 811 PRA	811 PRA	No
Failure to conduct move-in or initial certification for 811 PRA	811 PRA	No
Failure to provide or document notice of change in tenant rent or utility reimbursement for 811 PRA	811 PRA	No
Failure to document or comply with move-out requirements for 811 PRA	811 PRA	No
Failure to conduct a transfer, gross rent change, move-out, change in household or Non-interim certification as required for 811 PRA	811 PRA	No
Failure to terminate assistance or tenancy as required for 811 PRA	811 PRA	No

Failure to submit completed IRS Form(s) 8609 with Part II completed by the second monitoring review	HTC, Exchange, and TCAP	No
Failure to provide notice to applicants and households prior to the LURA term ending	All programs	No
Failure to maintain and/or provide evidence of insurance, including but not limited to, builder's risk during construction, property insurance, general liability, fidelity bonds, and flood insurance, as applicable	All programs	No
Failure to timely pay all property taxes, or maintain applicable exemptions to limit property taxes, resulting in a property tax lien and/or property tax suit	HOME, HOME-ARP, ERA, TCAP, TCAP-RF, NHTF, and NSP	No
Failure to display Fair Housing poster as required for 811 PRA	811 PRA	No
Failure to respond to a reasonable accommodation request per 10 TAC §1.204(d)	All programs	No
Failure to document or comply with occupancy requirements for 811 PRA	811 PRA	No
Noncompliance with the Mitigation for Schools requirement of the LURA or application	All programs	No
Failure to obtain supporting documentation of qualified legal status for all persons signing a lease per 10 TAC §10.612. A violation is assessed per Unit.	HOME, HOME ARP, and NHTF	No
Failure to obtain the executed attestation required by 10 TAC §10.612(a)(6) for each person signing the lease. A violation is assessed per Unit.	HOME, HOME ARP, and NHTF	No
Owner fails to timely sign agreement or Contract Amendment to access the SAVE system as described in 10 TAC §10.628, and as required under §10.628(f)(2) and (g).	HOME, HOME ARP, and NHTF	No
Failure to comply with requirements of the SAVE System Agreement as required under §10.628(f)(2) and (g).	HOME, HOME ARP, and NHTF	No

Figure 16 TAC §25.193(c)

$$\frac{[\sum_{i=1}^{N}(NTSR_i * DSPL) * 1/2 * ALLOC] + ADJ}{BD}$$ $$[\{[\sum_{i=1}^{N}(NWTR_i * NL_i) - \sum_{i=1}^{N}(BWTR_i * NL_i)] * 1/2 * ALLOC\} + ADJ]$$ [BD]	
Where:	$NTSR_i$ [$NWTR_i$]is the network [new wholesale]transmission service rate of a TSP, approved by the commission by order or pursuant to commission rules, in effect at the time the wholesale network transmission expense was incurred; [since the DSP's last rate case;]
	DSPL is the DSP's individual load component of the total ERCOT load information used to determine the wholesale network transmission expense associated with the $NTSR_i$ when the expense was incurred; [$BWTR_i$ is the base wholesale transmission rate of the TSP represented in the $NWTR_i$, used to develop the retail transmission charges of the DSP in the DSP's last rate case;]
	[NL_i is the DSP's individual 4CP load component of the total ERCOT 4CP load information used to develop the $NWTR_i$;]
Where:	$$ADJ = \sum_{p=1}^{6}[EXP_p - (REV_p - ADJP1_p - ADJP2_p)]$$ $$[ADJ = \sum_{p=1}^{6}\{[EXP_p - (REV_p - ADJP1_p - ADJP2_p)\}]$$ ADJ = adjustment to Rate Class TCRF; EXP_p = network transmission expenses [not included in base rates]for period p; REV_p = TCRF revenue for period p; $ADJP1_p$ = $1/6^{th}$ of ADJ calculated in the previous TCRF update for the periods 5 and 6; $ADJP2_p$ = $1/6^{th}$ of ADJ calculated in second previous TCRF update for the periods 1 through 4;
	ALLOC is the most recent class allocator based on class demands coincident with the most recent ERCOT 12CP intervals, as defined in §25.192 of this title (relating to Transmission Service Rates), adjusted for line losses based upon the most recent available line loss values used to calculate rates in the DSP's most recently approved comprehensive base rate proceeding before the commission or those published by ERCOT, and further adjusted to include each large load customer's large load minimum billing demands in lieu of the large load customer's actual 12CP demand where that customer's 12CP demand is less than that customer's large load minimum billing demand, unless otherwise ordered by the commission; and [ALLOC is the class allocator

	approved by the commission to allocate the transmission revenue requirement among classes in the DSP's last rate case, unless otherwise ordered by the commission; and,]
	BD is each class's projected billing determinants for the time period the TCRF is expected to be in place, including each large load customer's minimum billing demands in lieu of the large load customer's actual 12CP billing demand where that customer's 12CP billing demand is less than that customer's large load minimum billing demand. [BD is each class's billing determinant (kilowatt-hour (kWh), or kilowatt (kW), or kilovolt-ampere (kVa)) for the previous March 1 through August 31 period for the March 1 TCRF update, and for the previous September 1 through February 28 period for the September 1 TCRF update.]

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 the Attorney General

Texas Water Code and Texas Health and Safety Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Water Code.

Case Title and Court: *Harris County, Texas, and the State of Texas, acting by and through the Texas Commission on Environmental Quality, a Necessary and Indispensable Party v. Casa Del Mar Apartments, LLC*; Cause No. 2024-33842, in the 189th Judicial District, Harris County, Texas.

Nature of the Suit: Casa Del Mar owns and operates a 354-unit apartment complex at 2431 Farm to Market 1960 Road West in Houston. Between May 2023 and March 2024, Harris County Pollution Control Services documented multiple unauthorized sewage discharges at the Site, resulting in pooled sewage in the parking lot and overflows into municipal storm drains that empty into Cypress Creek. The investigations identified 23 violations for unauthorized discharges into waters of the State and one violation for improper storage of municipal solid waste. Harris County filed suit for violations of the Texas Water Code, Texas Health and Safety Code, and Harris County stormwater regulations, naming the State as a necessary party under Texas Water Code §7.353. On September 20, 2024, the parties entered an Agreed Temporary Injunction requiring Casa Del Mar to retain a third-party auditor to inspect the sewer system and recommend repairs. Casa Del Mar complied and spent at least $177,719.68 implementing the recommended corrective actions.

Proposed Settlement: The proposed Agreed Final Judgment includes injunctive relief requiring Casa Del Mar, for a period of one year after the Effective Date, to report any unauthorized discharges at the Site within 48 hours, and to submit monthly reports documenting unauthorized discharges, maintenance, and repairs conducted at the Site. The proposed settlement also assesses civil penalties in the amount of $65,000, to be equally divided between Harris County and the State; attorney's fees in the amount of $10,000, likewise split evenly; and $350 in court costs awarded to Harris County. Additionally, Plaintiffs may recover an additional $28,000 in civil penalties allocated equally between Harris County and the State if Casa Del Mar discharges sewage at the Site within one year of the Effective Date, unless Casa Del Mar shows that the discharge was cured within 48 hours and did not enter the municipal storm drain.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment, and written comments on the proposed settlement, should be directed to Jordan Pratt, Assistant Attorney General, Office of the Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, phone (512) 463-2012, facsimile (512) 320-0911, or email: jordan.pratt@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202602886
Justin Gordon
General Counsel
Office of the Attorney General
Filed: July 14, 2026

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Texas Water Code and Texas Health and Safety Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Water Code.

Case Title and Court: *Harris County, Texas, and the State of Texas, acting by and through the Texas Commission on Environmental Quality, a Necessary and Indispensable Party v. Torres Brothers Ready Mix, Inc., Eriberto Torres, Francisco Eusebio Torres, and Salvador De Jesus Torres*; Cause No. 2024-50594, in the 189th Judicial District, Harris County, Texas.

Nature of the Suit: Defendant Torres Brothers Ready Mix, Inc. ("Torres Brothers") operates a concrete batch plant located at 4247 Fuqua Street, Houston, Texas 77048 ("Facility"). The Facility operates under Texas Commission on Environmental Quality ("TCEQ") air and water permits. Over the course of multiple investigations conducted from March 30, 2021 through June 11, 2024, Harris County Pollution Control Services documented permit and waste violations at the Facility. On May 10, 2024, Torres Brothers forfeited its corporate existence, making all new and continuing violations attributable to its directors, Eriberto Torres, Francisco Eusebio Torres, and Salvador De Jesus Torres. On August 7, 2024, Harris County, Texas ("Harris County") filed suit against Torres Brothers, Eriberto Torres, Francisco Eusebio Torres, and Salvador De Jesus Torres (collectively, "Defendants") for violations of the Texas Health and Safety Code, Texas Water Code, TCEQ rules, and TCEQ permits. The State of Texas ("State"), acting on behalf of TCEQ, joined the lawsuit as a necessary and indispensable party. The State, Harris County, and the Defendants have reached an agreement to resolve the pending claims against the Defendants.

Proposed Settlement: The State, Harris County, and Defendants propose an Agreed Final Judgment that awards the State and Harris County the following monetary judgments against the Defendants: $173,618.00 in civil penalties, to be divided equally between the State and Harris County; $13,000.00 in attorney's fees to the State;

$13,000.00 in attorney's fees to Harris County; and $382.00 in court costs to Harris County. The amounts awarded will be paid in 25 monthly installments.

For a complete description of the proposed settlement, the proposed Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment, and written comments on the proposed settlement, should be directed to Haley Marlow, Assistant Attorney General, Office of the Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, phone (512) 463-2012, facsimile (512) 320-0911, or email: haley.marlow@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202602897
Justin Gordon
General Counsel
Office of the Attorney General
Filed: July 14, 2026

♦ ♦ ♦

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, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/20/26 - 07/26/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/20/26 - 07/26/26 is 18.00% for commercial[2] credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 08/01/26 - 08/31/26 is 6.75%.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

TRD-202602910
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 15, 2026

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Credit Union Department

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken in the following application:

Field of Membership - Approved

First Central CU - See *Texas Register* dated on March 27, 2026.

TRD-202602907
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: July 15, 2026

♦ ♦ ♦

Texas Education Agency

Request for Applications Concerning Generation Thirty-Two Open-Enrollment Charter Application for Colleges and Universities

Filing Authority. Texas Education Code (TEC), §12.152

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under request for applications (RFA) #701-27-102 from eligible entities to operate open-enrollment charter schools. Eligible entities are limited to Texas public colleges or universities and Texas public junior colleges. The supervising faculty member with oversight of the college of education requesting the charter must attend one required applicant information session webinar. For more information, visit our Charter Application website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars will disqualify an applicant from further consideration during the Generation Thirty-Two application cycle.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. A public senior college or university, or public junior college open-enrollment charter school may operate on a campus of the public college or university, or public junior college or in the same county in which the public college or university, or public junior college is located and under certain circumstances elsewhere in the state.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in TEC, §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. The electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Thursday, November 12, 2026, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) Effective September 1, 2019, a charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, and 48.111, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and $300.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a), a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29.

TEC, §12.106(b), provides that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101 and §12.152. There is no cap on the number of charters approved under TEC, §12.152. The commissioner is scheduled to consider awards under RFA #701-27-102 in May 2027.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication College or University Generation Thirty-Two Open-Enrollment Charter Application (RFA #701-27-102), which includes an application and guidance, may be obtained on the TEA website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

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Cristina De La Fuente-Valadez
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Texas Education Agency
Filed: July 15, 2026



Request for Applications Concerning Generation Thirty-Two Open-Enrollment Charter Application for Experienced Operators

Filing Authority. Texas Education Code (TEC), §12.101

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under request for applications (RFA) #701-27-101 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities that are considered experienced operators and are operating or have operated a charter school in another portfolio or under another subchapter. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the sponsoring entity, if identified, must attend. For more information, visit our Charter Application website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars will disqualify an applicant from further consideration during the Generation Thirty-Two application cycle.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district fa-

cility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in TEC, §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time) Thursday, November 12, 2026, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, and 48.111, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and $300.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a), a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29.

TEC, §12.106(b), provides that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101. There is a cap of 305 charters approved under TEC, §12.101. The commissioner is scheduled to consider awards under RFA #701-27-101 in May 2027.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Thirty-Two Open-Enrollment Charter Application (RFA #701-27-101), which includes an application and guidance, may be obtained on the TEA website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 15, 2026

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Request for Applications Concerning Generation Thirty-Two Open-Enrollment Charter Application for Local and Out of State High-Performing Entities

Filing Authority. Texas Education Code (TEC), §12.101

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under request for applications (RFA) #701-27-104 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities that are considered experienced operators and are operating or have operated a charter school in another portfolio or under another subchapter. At least one member of the applicant team may attend one optional applicant information session webinar. In addition, the board president of the sponsoring entity, if identified, may attend. For more information, visit our Charter Application website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

The webinar will also be recorded and made available publicly.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district facility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in TEC, §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. To be eligible for review, an electronic version of the completed application must be submitted to TEA by 5:00 p.m. on the submission date included in the timeline located inside of the Instruction and Guidance document.

Project Amount. TEC, §12.106, specifies the following.

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, and 48.111, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and $300.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a), a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29.

TEC, §12.106(b), provides that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in

the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101. The commissioner is scheduled to consider awards under RFA #701-27-104 in accordance with the timeline detailed in the Instructions and Guidance Document.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Thirty-Two Open-Enrollment Charter Application (RFA #701-27-104), which includes an application and guidance, may be obtained on the TEA website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 15, 2026

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Request for Applications Concerning Generation Thirty-Two Open-Enrollment Charter Application for New Operators

Filing Authority. Texas Education Code (TEC), §12.101

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under request for applications (RFA) 701-27-103 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the sponsoring entity, if identified, must attend. For more information, visit our Charter Application website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars will disqualify an applicant from further consideration during the Generation Thirty-Two application cycle.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district facility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in TEC, §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Thursday, November 12, 2026, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) A charter holder is entitled to receive the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, and 48.111, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48 if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to

the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and $300.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a), a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29.

TEC, §12.106(b), provides that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101. There is a cap of 305 charters approved under TEC, §12.101. The commissioner is scheduled to consider awards under RFA #701-27-103 in May 2027.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Thirty-Two Open-Enrollment Charter Application (RFA #701-27-103), which includes an application and guidance, may be obtained on the TEA website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 15, 2026

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Request for Applications Concerning Subchapter G Adult Education Charter Application

Filing Authority. Texas Education Code (TEC), §12.255

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under RFA #701-27-100 from eligible entities to operate adult education charter schools. Possible eligible entities include nonprofit entities; school districts; an entity granted a charter under TEC, Chapter 12, Subchapter D; general academic teaching institutions; public junior colleges; or public technical institutes, as defined by TEC, §61.003. The entity, or a member of the entity's executive leadership, must have a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar marginalizing circumstances. For any of the above entities to be eligible the criteria named must be met in full, describing a history serving the identified adult learner populations as well as demonstrable success serving those populations. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the entity, if identified, must attend. For more information, visit our Charter Application website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars will disqualify an applicant from further consideration during the Generation 32 application cycle.

Description. The purpose of an adult education charter is to meet industry needs for a sufficiently trained workforce within the state and strengthen the economic and educational prosperity of the state. The adult education charters must be designed to offer a high school program that can lead to a diploma and career and technology education courses that can lead to industry certification. The entity must demonstrate through the application process that the proposed school model complies with allowable provisions under state law and the specific provisions for adult education under TEC, §12.259. Those provisions include that the entity use an instructional model in which a significant portion of instruction, as approved by the commissioner of education, is delivered in a teacher-led, interactive classroom environment; provide access to career and technical education courses that lead to an industry certification, career readiness training, postsecondary counseling, and job-placement services; and provide support services to students, including child care at no cost to students, life coaching services at a ratio not to exceed one life coach for every 100 students that use strategic and holistic interventions designed to facilitate graduation planning

and assist students in overcoming life obstacles to achieve academic and career goals; mental health counseling; for students with identified disabilities or impairments, instructional support services; and transportation assistance. An adult high school charter program is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, health and safety, requirements to report an educator's misconduct; and the right of an employee to report a crime. The commissioner will evaluate each adult education charter school annually according to the performance framework adopted specifically for these schools. The commissioner may revoke the charter if the charter's adult education program fails to meet the minimum performance standards established by commissioner rule on the applicable accountability framework for three consecutive school years after the second year of operation.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Thursday, October 29, 2026, to be eligible for review.

Project Amount. TEC, §12.263, specifies the following.

(a) Except as otherwise provided by this section, funding for an adult education program operated under a charter granted under this subchapter is an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(b) For purposes of determining the average daily attendance of an adult education program operated under a charter granted under this subchapter, a student is considered to be in average daily attendance, with a 100 percent attendance rate, for: (1) all of the instructional days of the school year, if the student is enrolled for at least 75 percent of the school year; (2) three-quarters of the instructional days of the school year, if the student is enrolled for at least 50 percent but less than 75 percent of the school year; (3) half of the instructional days of the school year, if the student is enrolled for at least 25 percent but less than 50 percent of the school year; or (4) a quarter of the instructional days of the school year, if the student is enrolled for at least 10 percent but less than 25 percent of the school year.

(c) A student enrolled in an adult education program operated under a charter granted under this subchapter for less than 10 percent of a school year may not be counted toward the adult education program's average daily attendance for that school year.

(d) For purposes of the compensatory education allotment under TEC, §48.104, the commissioner shall: (1) permit an adult education program operated under a charter granted under this subchapter to give a final report at the end of each school year of students who were enrolled in the adult education program at any time during that school year and who qualify for that allotment; and (2) provide the allotment for each student reported under Subdivision (1) in an amount proportional to the duration of the student's enrollment in the adult education program.

(e) For purposes of the college, career, or military readiness outcomes bonus under TEC, §48.110, notwithstanding Subsection (f) of that section, an annual graduate of an adult education program operated under a charter granted under this subchapter demonstrates career readiness by earning an industry-accepted certificate not later than six months after completing the program.

(f) In addition to funding provided under Subsection (a), an eligible entity granted a charter under this subchapter is entitled to receive for the adult education program an annual allotment, provided in accordance with a schedule established by commissioner rule, equal to the maximum basic allotment under TEC, §48.051(a) or (b), multiplied by: (1) for each credit earned by a student enrolled in the adult education program during the preceding school year: (A) 0.01 for a course other than a career and technology education course; and (B) 0.02 for a career and technology education course; and (2) 0.1 for each student who successfully completed the adult education program and earned a high school diploma during the preceding school year.

(g) TEC, §12.107 and §12.128, apply as though funds under this section were funds under TEC, Subchapter D.

(h) Notwithstanding any other law, for purposes of any budget reductions requested by the Legislative Budget Board or the governor, any money received by a nonprofit entity granted a charter under this subchapter or appropriated to the agency for purposes of operating an adult education program under this subchapter is considered to be part of the foundation school program and is not subject to those budget reductions.

TEC, §12.258, specifies for admission that (a) A person who is at least 18 years of age and not more than 50 years of age is eligible to enroll in an adult education program operated under a charter granted under this subchapter if the person: (1) has failed to complete the curriculum requirements for high school graduation; or (2) has failed to perform satisfactorily on an assessment instrument required for high school graduation. (b) In admitting students to an adult education program operated under a charter granted under this subchapter, an eligible entity shall give priority to a person who has not earned a high school equivalency certificate.

Selection Criteria. A complete description of selection criteria is included in the RFA. The commissioner may approve adult high school charter schools as provided in TEC, §12.255. There are currently four adult education charters approved under TEC, §12.255. Pursuant to TEC, §12.255, the commissioner may not grant more than 10 charters under TEC, Chapter 12, Subchapter G. The commissioner is scheduled to consider awards under RFA #701-27-100 in March 2027.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Subchapter G Adult Education Charter Application (RFA #701-27-100), which includes an application and guidance, may be obtained on the TEA website at https://tea.texas.gov/school-and-district-information/texas-schools-charter-schools/charter-school-applicants.

Further Information. For clarifying information about the adult high school charter school application, contact the Division of Charter School Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

Issued in Austin, Texas, on July 15, 2026.

TRD-202602906
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 15, 2026

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State Board for Educator Certification

Correction of Error

The State Board for Educator Certification adopted amendments to 19 TAC Chapter 228 in this issue of the *Texas Register*.

Due to an error as submitted by the Texas Education Agency, the cross reference in adopted 19 TAC §228.57(f)(5) was incorrect. The correct text is as follows:

(5) EPP requirements for integration of PREP training content in the 2027-2028 and 2028-2029 academic years are described in the figures in §228.15(b), (c), and (d) of this title (relating to Additional Approval).

TRD-202602927

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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 **August 24, 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 **August 24, 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: "BABE" PAGE WATER WELL DRILLING CO., INC.; DOCKET NUMBER: 2026-0699-WR-E; IDENTIFIER: RN112411129; LOCATION: Kingsville, Kleberg County; TYPE OF FACILITY: operator; PENALTY: $350; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(2) COMPANY: 7-Eleven, Inc.; DOCKET NUMBER: 2025-1761-PST-E; IDENTIFIER: RN102021839; LOCATION: Sonora, Sutton 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.

(3) COMPANY: Big Bend National Park; DOCKET NUMBER: 2025-0621-MSW-E; IDENTIFIER: RN103049581; LOCATION: Big Bend National Park, Brewster County; TYPE OF FACILITY: landfill; PENALTY: $22,275; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: Big Dog Gunite LLC; DOCKET NUMBER: 2025-1586-WQ-E; IDENTIFIER: RN110420981; LOCATION: Kyle, Hays County; TYPE OF FACILITY: concrete batch plant; PENALTY: $6,075; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: Buffco Production, Inc.; DOCKET NUMBER: 2026-0179-AIR-E; IDENTIFIER: RN112259601; LOCATION: Henderson, Rusk County; TYPE OF FACILITY: oil and gas production facility; PENALTY: $9,000; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: City Of Lexington; DOCKET NUMBER: 2023-1503-MWD-E; IDENTIFIER: RN101916906; LOCATION: Lexington, Lee County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $47,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $47,250; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(7) COMPANY: City of Bellaire; DOCKET NUMBER: 2025-1364-MLM-E; IDENTIFIER: RN101721538; LOCATION: Bellaire, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $145,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $116,400; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(8) COMPANY: City of Bells; DOCKET NUMBER: 2025-1233-MWD-E; IDENTIFIER: RN101920809; LOCATION: Bells, Grayson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $14,850; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $11,880; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: City of Dallas Department of Sanitation Services; DOCKET NUMBER: 2024-0723-MSW-E; IDENTIFIER: RN100752146; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: landfill; PENALTY: $7,500; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: City of Flatonia; DOCKET NUMBER: 2026-0500-PWS-E; IDENTIFIER: RN101429694; LOCATION: Flatonia, Fayette County; TYPE OF FACILITY: public water supply; PENALTY: $1,228; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Hillsboro; DOCKET NUMBER: 2023-1114-MWD-E; IDENTIFIER: RN102844180; LOCATION: Hillsboro, Hill County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $67,500; SUPPLEMENTAL ENVIRONMEN-

TAL PROJECT OFFSET: $67,500; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: City of South Houston; DOCKET NUMBER: 2025-0583-MWD-E; IDENTIFIER: RN102986312; LOCATION: South Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $18,900; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(13) COMPANY: City of Sunray; DOCKET NUMBER: 2024-0169-MWD-E; IDENTIFIER: RN103157442; LOCATION: Sunray, Moore County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $31,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $25,200; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of Thornton; DOCKET NUMBER: 2023-1601-MWD-E; IDENTIFIER: RN102844461; LOCATION: Thornton, Limestone County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $16,312; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $13,050; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(15) COMPANY: City of Timpson; DOCKET NUMBER: 2025-1810-MWD-E; IDENTIFIER: RN102805850; LOCATION: Timpson, Shelby County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $4,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,600; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(16) COMPANY: City of Van Alstyne; DOCKET NUMBER: 2024-0028-MWD-E; IDENTIFIER: RN102844123; LOCATION: Van Alstyne, Grayson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $86,218; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $86,218; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(17) COMPANY: Concrete Mobility, LLC; DOCKET NUMBER: 2026-0154-AIR-E; IDENTIFIER: RN105429005; LOCATION: Colorado City, Mitchell County; TYPE OF FACILITY: concrete batch plant; PENALTY: $2,500; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(18) COMPANY: Cowboy's Ready Mix, LLC; DOCKET NUMBER: 2025-0967-MLM-E; IDENTIFIER: RN111863247; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: concrete batch plant; PENALTY: $7,313; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(19) COMPANY: Energy Transfer GC NGL Fractionators LLC; DOCKET NUMBER: 2024-0454-AIR-E; IDENTIFIER: RN106018260; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: natural gas processing plant; PENALTY: $28,650; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $11,460; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(20) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2024-1068-AIR-E; IDENTIFIER: RN100210319; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $173,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $86,562; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: Fort Bend County Municipal Utility District No. 143; DOCKET NUMBER: 2024-0226-MWD-E; IDENTIFIER: RN107199325; LOCATION: Houston, Fort Bend County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $19,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $15,400; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: GEORGE C. FULLER CONTRACTING COMPANY; DOCKET NUMBER: 2026-0742-WQ-E; IDENTIFIER: RN112444674; LOCATION: Van Alstyne, Grayson County; TYPE OF FACILITY: operator; PENALTY: $875; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(23) COMPANY: Harris County Municipal Utility District 196; DOCKET NUMBER: 2025-1315-MWD-E; IDENTIFIER: RN102834314; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $9,900; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,920; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: Ira Water Supply Corporation; DOCKET NUMBER: 2025-1584-MLM-E; IDENTIFIER: RN101453991; LOCATION: Ira, Scurry County; TYPE OF FACILITY: public water supply; PENALTY: $4,127; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(25) COMPANY: Ira Water Supply Corporation; DOCKET NUMBER: 2026-0193-PWS-E; IDENTIFIER: RN101453991; LOCATION: Ira, Scurry County; TYPE OF FACILITY: public water supply; PENALTY: $3,685; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: LITTLE, PAUL ALAN; DOCKET NUMBER: 2026-0771-WOC-E; IDENTIFIER: RN109244079; LOCATION: Trinity, Trinity County; TYPE OF FACILITY: operator; PENALTY: $175; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(27) COMPANY: Leggett Water Supply Corporation; DOCKET NUMBER: 2026-0555-PWS-E; IDENTIFIER: RN101454130; LOCATION: Livingston, Polk County; TYPE OF FACILITY: public water supply; PENALTY: $1,176; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(28) COMPANY: Liberty Utilities (Tall Timbers Sewer) Corp.; DOCKET NUMBER: 2026-0260-MWD-E; IDENTIFIER: RN101519981; LOCATION: Tyler, Smith County; TYPE OF

FACILITY: wastewater treatment facility; PENALTY: $8,400; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(29) COMPANY: M.E.N. Water Supply Corporation; DOCKET NUMBER: 2026-0492-PWS-E; IDENTIFIER: RN101191278; LOCATION: Corsicana, Navarro County; TYPE OF FACILITY: public water supply; PENALTY: $14,175; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: MARTINSVILLE INDEPENDENT SCHOOL DISTRICT; DOCKET NUMBER: 2025-0584-MWD-E; IDENTIFIER: RN101529527; LOCATION: Martinsville, Nacogdoches County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $37,365; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $29,892; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(31) COMPANY: North Texas Natural Select Materials, LLC; DOCKET NUMBER: 2026-0741-WQ-E; IDENTIFIER: RN112406798; LOCATION: Joshua, Johnson County; TYPE OF FACILITY: operator; PENALTY: $875; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(32) COMPANY: Nueces County Water Control and Improvement District 3; DOCKET NUMBER: 2026-0400-PWS-E; IDENTIFIER: RN101428233; LOCATION: Robstown, Nueces County; TYPE OF FACILITY: public water supply; PENALTY: $7,100; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: Pasadena Performance Products, LLC; DOCKET NUMBER: 2025-1718-IWD-E; IDENTIFIER: RN101997104; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: petrochemical manufacturing facility; PENALTY: $13,250; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(34) COMPANY: Permian Lodging Midland LLC; DOCKET NUMBER: 2026-0423-PWS-E; IDENTIFIER: RN107150658; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: $3,450; ENFORCEMENT COORDINATOR: Katherine Mckinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(35) COMPANY: Raylake Water Supply Corporation; DOCKET NUMBER: 2026-0589-PWS-E; IDENTIFIER: RN101205508; LOCATION: Zavalla, Angelina County; TYPE OF FACILITY: public water supply; PENALTY: $1,925; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(36) COMPANY: Rosa Maria Garza and Heriberto Garza; DOCKET NUMBER: 2024-1762-EAQ-E; IDENTIFIER: RN111739397; LOCATION: Spring Branch, Comal County; TYPE OF FACILITY: commercial property; PENALTY: $13,500; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(37) COMPANY: SHANZEE FOOD MART INC; DOCKET NUMBER: 2025-1457-PST-E; IDENTIFIER: RN101382190; LOCATION: Fairfield, Freestone County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $5,301; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(38) COMPANY: Syensqo Specialty Polymers USA, LLC; DOCKET NUMBER: 2025-0592-AIR-E; IDENTIFIER: RN102305505; LOCATION: Orange, Orange County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $13,685; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(39) COMPANY: The Dow Chemical Company; DOCKET NUMBER: 2024-1503-AIR-E; IDENTIFIER: RN100542711; LOCATION: Orange, Orange County; TYPE OF FACILITY: petrochemical manufacturing plant; PENALTY: $8,481; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,392; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(40) COMPANY: The Springs of Grapevine, LLC; DOCKET NUMBER: 2026-0023-WQ-E; IDENTIFIER: RN112313572; LOCATION: Grapevine, Tarrant County; TYPE OF FACILITY: housing development; PENALTY: $9,375; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(41) COMPANY: Burlington Resources Oil & Gas Company LP; DOCKET NUMBER: 2025-0438-AIR-E; IDENTIFIER: RN106430895; LOCATION: Karnes City, Karnes County; TYPE OF FACILITY: oil and gas site; PENALTY: $15,750; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(42) COMPANY: City of La Ward; DOCKET NUMBER: 2025-1621-MWD-E; IDENTIFIER: RN102287562; LOCATION: La Ward, Jackson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $4,687; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,750; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(43) COMPANY: City of Rose City; DOCKET NUMBER: 2023-0958-PWS-E; IDENTIFIER: RN102676269; LOCATION: Vidor, Orange County; TYPE OF FACILITY: public water supply; PENALTY: $7,545; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,545; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(44) COMPANY: City of Van Alstyne; DOCKET NUMBER: 2024-0506-PWS-E; IDENTIFIER: RN101384964; LOCATION: Van Alstyne, Grayson County; TYPE OF FACILITY: public water supply; PENALTY: $3,100; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $2,480; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(45) COMPANY: Harris County Water Control and Improvement District No 92; DOCKET NUMBER: 2022-1654-MWD-E; IDENTIFIER: RN102097813; LOCATION: Spring, Harris County; TYPE

OF FACILITY: wastewater treatment facility; PENALTY: $9,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,200; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(46) COMPANY: Lyondell Chemical Company; DOCKET NUMBER: 2024-1144-AIR-E; IDENTIFIER: RN102523107; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $34,725; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $13,890; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(47) COMPANY: Red River Authority of Texas; DOCKET NUMBER: 2023-0273-PWS-E; IDENTIFIER: RN101233062; LOCATION: Wichita Falls, Foard County; TYPE OF FACILITY: public water supply; PENALTY: $8,395; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $6,716; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202602885
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 14, 2026

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Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Air Quality Permits Proposed Air Quality Permit Numbers 183462, PSDTX1704, and GHGPSDTX271

APPLICATION AND PRELIMINARY DECISION. Fermi Equipment Holdco, LLC, 620 South Taylor Street, Suite 301, Amarillo, Texas 79101-2436, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed Air Quality Permit 183462, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1704, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX271 for emissions of GHGs, which would authorize construction of the an electric generation facility located approximately 15 miles northeast of Amarillo along US Highway 60 near the intersection of US Highway 60 and Farm to-Market Road 2373 on north side of the road, Amarillo, Carson County, Texas 79068. 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 espanol 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, 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: ammonia, hazardous air pollutants, and hydrogen sulfide.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

[graphic]

Table

PM_{10}

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
24-hour	6	30
Annual	1.1	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
Annual	3	25

$PM_{2.5}$

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
24-hour	6	9
Annual	1.1	4

This application was submitted to the TCEQ on March 27, 2026. 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 Amarillo regional office, and at the Carson County Public Library, 401 Main Street, Panhandle, Carson County, Texas, 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 Amarillo Regional Office, 5809 South Western Street, Suite 260, Amarillo, Texas. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. **The TCEQ will hold a public meeting on this application because of significant public interest.** 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:

Monday, August 24, 2026 at 7:00 p.m.

Panhandle High School Auditorium

106 West 11th Street

Panhandle, Texas 79068

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.

You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below, or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's Web site 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 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 application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-101.5776,35.2843&level=13.

OPPORTUNITY FOR A CONTESTED CASE HEARING. You may request a contested case hearing regarding the portions of the application for **Air Quality Permit Number 183462 and for PSD Air Quality Permit Number PSDTX1704**. There is no opportunity to request a contested case hearing regarding the portion of the application for **GHG PSD Air Quality Permit Number GHGPSDTX271**. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants, other than GHGs, from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requester submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit GHGPSDTX271. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn regarding Air Quality Permit Number 183462 and for PSD Air Quality Permit Number PSDTX1704, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the Air Quality Permit Number 183462 and for PSD Air Quality Permit Number PSDTX1704 and will forward the application and requests

to the Commissioners for their consideration at a scheduled commission meeting.

MAILING LIST. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

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. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about 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. You can also view our website for public participation opportunities at www.tceq.texas.gov/goto/participation.

Further information may also be obtained from Fermi Equipment Holdco LLC at the address stated above or by calling Ms. Elizabeth Stanko, Director, Energy Transition Projects at (713) 244-1039.

Notice Issuance Date: July 10, 2026

TRD-202602901
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 14, 2026

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Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016684001

APPLICATION AND PRELIMINARY DECISION. PMT Development, LLC, 5733 Travis Drive, Frisco, Texas 75034, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016684001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. TCEQ received this application on December 11, 2024.

PURPOSE OF COMBINED NOTICE: This Combined notice announces that the TCEQ Executive Director has completed the technical review of the application and prepared a draft permit, and that TCEQ will be holding a public meeting for members of the public to comment on the application. Please see the meeting information below.

DESCRIPTION OF FACILITY LOCATION AND DISCHARGE ROUTE. The domestic wastewater treatment facility will be located approximately 0.41 miles northeast of the intersection of County Road 221 and Neal Road, in Kaufman County, Texas 75126. The treated effluent will be discharged to an unnamed tributary, thence to Soil Conservation Service (SCS) Site 18r, thence to an unnamed tributary, thence to Big Brushy Creek, thence to Kings Creek, thence to Cedar Creek Reservoir in Segment No. 0818 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 the SCS Site 18r and Big Bushy Creek. The designated uses for Segment No. 0818 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. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in SCS Site 18r and Big Bushy Creek, which have been identified as having high aquatic life uses. 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=-96.40583,32.81&level=18

TECHNICAL REVIEW OF THE EXECUTIVE DIRECTOR.

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 Kaufman County Library, Reference Desk, 3790 South Houston Street, Kaufman, Texas. The application and associated notices are available electronically 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 legislator.

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:

Tuesday, September 1, 2026 at 7:00 p.m.

North Forney High School - Cafeteria

6170 Falcon Way

Forney, Texas 75126

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 PMT Development, LLC at the address stated above or by calling Ms. Kendall Longbotham, P.E., Water Resources Engineer, ReUse Engineering Inc., at (512) 755-9943.

Issuance Date: July 14, 2026

TRD-202602912
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Enforcement Orders

An agreed order was adopted regarding 7301, LLC dba Dan Dipert Coache, Docket No. 2023-1212-PST-E on July 14, 2026 assessing $10,730 in administrative penalties with $2,146 deferred. 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 AMERIGAS, INC., Docket No. 2023-1660-AIR-E on July 14, 2026 assessing $2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, 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 the City of White Oak, Docket No. 2024-0330-MWD-E on July 14, 2026 assessing $8,250 in administrative penalties with $1,650 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 1015 Grocery Store LLC, Docket No. 2024-0347-PST-E on July 14, 2026 assessing $7,738 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, 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 DCP Operating Company, LP, Docket No. 2024-0761-AIR-E on July 14, 2026 assessing $9,000 in administrative penalties with $1,800 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 Glasscock County dba Glasscock County Landfill NW, Docket No. 2024-0886-MSW-E on July 14, 2026 assessing $11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, 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 Hill Sand Company, Inc, Docket No. 2024-1498-WQ-E on July 14, 2026 assessing $12,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Norocos Investments Inc, Docket No. 2025-0163-PST-E on July 14, 2026 assessing $2,625 in administrative penalties. Information concerning any aspect of this citation 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 LONGVIEW BRIDGE AND ROAD, LT, Docket No. 2025-0221-AIR-E on July 14, 2026 assessing $5,000 in administrative penalties with $1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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. 2025-0648-MWD-E on July 14, 2026 assessing $12,500 in administrative penalties with $2,500 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 Ken Dietz Homes, Inc., Docket No. 2025-0651-WQ-E on July 14, 2026 assessing $1,875 in administrative penalties with $375 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 DCP Operating Company, LP, Docket No. 2025-0734-AIR-E on July 14, 2026 assessing $4,688 in administrative penalties with $937 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.

A field citation was adopted regarding J & W Farm and Ranch Inc, Docket No. 2025-0757-PST-E on July 14, 2026 assessing $2,625 in administrative penalties. Information concerning any aspect of this citation 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 the City of Adrian, Docket No. 2025-0794-PWS-E on July 14, 2026 assessing $3,964 in administrative penalties with $792 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 Lake Creek Ranch Ltd., Docket No. 2025-0877-WQ-E on July 14, 2026 assessing $5,100 in administrative penalties with $1,020 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 Chevron U.S.A. Inc, Docket No. 2025-0920-AIR-E on July 14, 2026 assessing $3,189 in administrative penalties with $637 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, 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 Daniel Fehr dba DP Platinum Star Trailers, LLC, Docket No. 2025-1028-AIR-E on July 14, 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 Valero Refining-Texas, L.P., Docket No. 2025-1037-AIR-E on July 14, 2026 assessing $10,950 in administrative penalties with $2,190 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 US National Park Service, Docket No. 2025-1107-SLG-E on July 14, 2026 assessing $10,750 in administrative penalties. Information concerning any aspect of this order 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.

An agreed order was adopted regarding Himalayan Mart 2 LLC, Docket No. 2025-1176-PST-E on July 14, 2026 assessing $12,020 in administrative penalties with $2,404 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, 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 Iron Orchard Operating LLC, Docket No. 2025-1198-AIR-E on July 14, 2026 assessing $6,438 in administrative penalties with $1,287 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, 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 S & K 786 LLC dba Luckys 2, Docket No. 2025-1205-PST-E on July 14, 2026 assessing $6,607 in administrative penalties with $1,321 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 WMK Business, LLC, Docket No. 2025-1291-PST-E on July 14, 2026 assessing $4,533 in adminis-

trative penalties with $906 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 Fazan F.S Wireless LLC dba Dyess Parkview Market, Docket No. 2025-1383-PST-E on July 14, 2026 assessing $9,563 in administrative penalties with $1,912 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 ADRIAN TRAVEL STOP LLC and Anna Ter-Hovhannesian, Anna, Docket No. 2025-1631-PST-E on July 14, 2026 assessing $8,625 in administrative penalties with $1,725 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, 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 Rust Oil Corporation, Docket No. 2025-1695-AIR-E on July 14, 2026 assessing $6,250 in administrative penalties with $1,250 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 Pico Propane Operating, LLC, Docket No. 2025-1699-PST-E on July 14, 2026 assessing $3,937 in administrative penalties with $787 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.

A field citation was adopted regarding 7-Eleven, Inc., Docket No. 2025-1742-PST-E on July 14, 2026 assessing $2,625 in administrative penalties. Information concerning any aspect of this citation 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 MHC TT, L.P., Docket No. 2025-1812-MWD-E on July 14, 2026 assessing $2,813 in administrative penalties with $562 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 arga Pipeline Mid-Continent WestTex LLC, Docket No. 2025-1869-AIR-E on July 14, 2026 assessing $5,000 in administrative penalties with $1,000 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 Royal Valley Utilities, Inc., Docket No. 2025-1873-PWS-E on July 14, 2026 assessing $1,000 in administrative penalties with $200 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, 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. 2025-1900-AIR-E on July 14, 2026 assessing $3,750 in administrative penalties with $750 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 ESPINOZA STONE, INC., Docket No. 2025-1907-EAQ-E on July 14, 2026 assessing $7,813 in administrative penalties with $1,562 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 S & S 786 LLC dba Luckys, Docket No. 2025-1910-PST-E on July 14, 2026 assessing $6,857 in administrative penalties with $1,371 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 CARGILL, INCORPORATED, Docket No. 2026-0024-PWS-E on July 14, 2026 assessing $3,935 in administrative penalties with $787 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 Chevron U.S.A. Inc, Docket No. 2026-0046-AIR-E on July 14, 2026 assessing $5,813 in administrative penalties with $1,162 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, 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 Brenda L. Lopez dba River View Estates, Docket No. 2026-0051-PWS-E on July 14, 2026 assessing $1,103 in administrative penalties with $220 deferred. 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 TRAN'S PROPERTY MANAGEMENT, INC., Docket No. 2026-0052-PWS-E on July 14, 2026 assessing $5,041 in administrative penalties with $1,008 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 Trinity Operating (USG), LLC, Docket No. 2026-0056-AIR-E on July 14, 2026 assessing $3,750 in administrative penalties with $750 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 North Mission Glen Municipal Utility District, Docket No. 2026-0093-WQ-E on July 14, 2026 assessing $9,000 in administrative penalties with $1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Equistar Chemicals, LP, Docket No. 2026-0112-AIR-E on July 14, 2026 assessing $11,625 in administrative penalties with $2,325 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, 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 Conatser Construction TX, LP, Docket No. 2026-0148-AIR-E on July 14, 2026 assessing $1,875 in administrative penalties with $375 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 GEENIA, INC. dba Shepherd Food Mart, Docket No. 2026-0167-PST-E on July 14, 2026 assessing $7,875 in administrative penalties with $1,575 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 Town of Quintana, Docket No. 2026-0209-PWS-E on July 14, 2026 assessing $2,425 in administrative penalties with $485 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, 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 Colt G & P (North Texas) L.P., Docket No. 2026-0216-AIR-E on July 14, 2026 assessing $4,250 in administrative penalties with $850 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 Aqua Texas, Inc., Docket No. 2026-0235-MLM-E on July 14, 2026 assessing $8,550 in administrative penalties with $1,710 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 Undine Texas, LLC, Docket No. 2026-0293-PWS-E on July 14, 2026 assessing $802 in administrative penalties with $160 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An expedited compliance order was adopted regarding LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. dba Love's Country Store 662, Docket No. 2026-0325-PST-E on July 14, 2026 assessing $625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jocelyn Cruz, 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 Flying "L" Guest Ranch, LTD, Docket No. 2026-0525-WR-E on July 14, 2026 assessing $200 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602914
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Enforcement Orders

An agreed order was adopted regarding the City of Marshall, Docket No. 2022-0681-MWD-E on July 15, 2026 assessing $41,250 in administrative penalties with $8,250 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, 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 Eastman Chemical Company, Docket No. 2022-1006-AIR-E on July 15, 2026 assessing $169,425 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An default order was adopted regarding Sullivan, Joy, Docket No. 2022-1023-PST-E on July 15, 2026 assessing $5,626 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, 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 Maple Energy Holdings LLC, Docket No. 2022-1169-AIR-E on July 15, 2026 assessing $23,437 in administrative penalties with $4,687 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 Neutze, Mike, Docket No. 2023-0249-PST-E on July 15, 2026 assessing $20,478 in administrative penalties with $4,095 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, 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 Gulf Coast Authority, Docket No. 2023-0769-MWD-E on July 15, 2026 assessing $28,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 Zapata County, Docket No. 2023-0883-PWS-E on July 15, 2026 assessing $2,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An default order was adopted regarding Norra, Carol Ann dba Carol Norra Mobile Home Park, Docket No. 2023-1575-PWS-E on July 15, 2026 assessing $3,733 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, 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 7-Eleven Inc, Docket No. 2023-1678-PST-E on July 15, 2026 assessing $21,776 in administrative penalties with $4,355 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 default order was adopted regarding Texcon Ready Mix Inc, Docket No. 2024-0228-WQ-E on July 15, 2026 assessing $2,600 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 the City Of Hackberry, Docket No. 2024-0647-MWD-E on July 15, 2026 assessing $46,250 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 Hallsville, Docket No. 2024-0937-MWD-E on July 15, 2026 assessing $28,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 130th & Upland Inc, Docket No. 2024-1022-PWS-E on July 15, 2026 assessing $29,460 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 Hickman Williams & Company, Docket No. 2024-1029-AIR-E on July 15, 2026 assessing $25,875 in administrative penalties with $5,175 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 Undine Wholesale Supply LLC, Docket No. 2024-1048-PWS-E on July 15, 2026 assessing $2,800 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 Quanah, Docket No. 2024-1419-PWS-E on July 15, 2026 assessing $25,416 in administrative penalties with $5,083 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, 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 TPL Southey Pipeline Company LLC, Docket No. 2024-1511-AIR-E on July 15, 2026 assessing $10,200 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 RWC Material LLC, Docket No. 2024-1523-MLM-E on July 15, 2026 assessing $14,500 in administrative penalties with $2,900 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 the City Of San Marcos, Docket No. 2024-1538-MWD-E on July 15, 2026 assessing $90,000 in administrative penalties with $18,000 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 the City Of Harker Heights, Docket No. 2024-1541-MLM-E on July 15, 2026 assessing $13,663 in administrative penalties with $2,732 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 North Texas Municipal Water District, Docket No. 2024-1609-MWD-E on July 15, 2026 assessing $114,400 in administrative penalties with $22,880 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 Union Tank Car Company, Docket No. 2024-1702-AIR-E on July 15, 2026 assessing $14,250 in administrative penalties with $2,850 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 Buckeye Texas Processing LLC, Docket No. 2024-1807-IWD-E on July 15, 2026 assessing $91,235 in administrative penalties with $18,247 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 Tidwell, Ruel Jay, Docket No. 2024-1916-MLM-E on July 15, 2026 assessing $30,625 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 Lisanti Foodservice Of Texas Inc, Docket No. 2024-1983-PST-E on July 15, 2026 assessing $16,108 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, 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 Mud 230, Docket No. 2025-0010-MWD-E on July 15, 2026 assessing $39,875 in administrative penalties. 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 Blue Tide Baytown LLC Docket No. 2025-0260-IWD-E on July 15, 2026 assessing $37,500 in administrative penalties with $7,500 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 Pilot Thomas Logistics LLC, Docket No. 2025-0274-PST-E on July 15, 2026 assessing $57,273 in administrative penalties with $11,454 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, 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 Natgasoline LLC Docket No. 2025-0480-AIR-E on July 15, 2026 assessing $57,521 in administra-

tive penalties with $11,504 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, 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 Alleyton Resource Company LLC, Docket No. 2025-0817-WQ-E on July 15, 2026 assessing $17,606 in administrative penalties with $3,521 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Downstream LLC Docket No. 2025-0938-AIR-E on July 15, 2026 assessing $144,500 in administrative penalties with $28,900 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 Aqua Texas Inc, Docket No. 2025-1012-MWD-E on July 15, 2026 assessing $30,812 in administrative penalties with $6,162 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 H Ayana Enterprise Inc. dba Mini Mart, Docket No. 2025-1063-PST-E on July 15, 2026 assessing $44,606 in administrative penalties with $8,921 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 the City Of Mathis, Docket No. 2025-1113-PWS-E on July 15, 2026 assessing $6,950 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 Phillips 66 Company, Docket No. 2025-1122-AIR-E on July 15, 2026 assessing $36,900 in administrative penalties with $7,380 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, 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 CROWN Cork & Seal USA, Inc, Docket No. 2025-1123-AIR-E on July 15, 2026 assessing $22,000 in administrative penalties with $4,400 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, 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 Pasadena Refining System, Inc., Docket No. 2025-1228-AIR-E on July 15, 2026 assessing $22,519 in administrative penalties with $4,503 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 Stolthaven Houston Inc, Docket No. 2025-1334-IWD-E on July 15, 2026 assessing $50,000 in administrative penalties with $10,000 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 RWC Material LLC, Docket No. 2025-1482-MLM-E on July 15, 2026 assessing $20,750 in administrative penalties with $4,150 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 the City Of Thrall, Docket No. 2025-1555-MWD-E on July 15, 2026 assessing $13,125 in administrative penalties with $2,625 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 Ineos Acetyls Chemicals Texas City Inc, Docket No. 2025-1620-AIR-E on July 15, 2026 assessing $21,900 in administrative penalties with $4,380 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 the City Of Alvord, Docket No. 2025-1649-MWD-E on July 15, 2026 assessing $20,550 in administrative penalties with $4,110 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 INEOS Americas LLC, Docket No. 2025-1652-AIR-E on July 15, 2026 assessing $17,750 in administrative penalties with $3,550 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 the City Of Colleyville, Docket No. 2025-1663-WQ-E on July 15, 2026 assessing $8,125 in administrative penalties. Information concerning any aspect of this order 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.

An agreed order was adopted regarding Undine Texas LLC, Docket No. 2025-1671-UTL-E on July 15, 2026 assessing $12,100 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 BW Grayson Business Park Association Inc, Docket No. 2025-1697-PWS-E on July 15, 2026 assessing $1,937 in administrative penalties with $1,937 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 Grand Harbor Water Supply Corporation, Docket No. 2025-1872-PWS-E on July 15, 2026 assessing $4,600 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 Wink, Docket No. 2026-0032-MLM-E on July 15, 2026 assessing $13,500 in administrative penalties with $2,700 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 Manville Water Supply Corporation, Docket No. 2026-0055-PWS-E on July 15, 2026 assessing $5,250 in administrative penalties. 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 Lakeside Water Control And Improvement District 2-D, Docket No. 2026-0099-PWS-E on July 15, 2026 assessing $1,312 in administrative penalties with $1,312 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, 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. 2026-0106-PWS-E on July 15, 2026 assessing $24,570 in administrative penalties with $4,914 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 Wildwood Estates Of Lubbock LLC, Docket No. 2026-0128-PWS-E on July 15, 2026 assessing $7,500 in administrative penalties with $7,500 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, 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 Overton, Docket No. 2026-0129-PWS-E on July 15, 2026 assessing $3,550 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 Undine Texas LLC, Docket No. 2026-0245-PWS-E on July 15, 2026 assessing $3,550 in administrative penalties with $3,550 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.

TRD-202602917
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Notice and Comment Hearing Draft Permit No. O2878

This is a notice for a notice and comment hearing on Federal Operating Permit Number O2878. During the notice and comment hearing informal questions on the Federal Operating Permit will be answered and formal comments will be received. The Texas Commission on Environmental Quality (TCEQ) has scheduled the notice and comment hearing regarding this application and draft permit as follows:

Date: September 15, 2026

Time: 7:00 p.m.

Location: Lake Jackson Civic Center

333 Highway 332 East

Lake Jackson, Texas 77566

Location phone: (979) 415-2603

Application and Draft Permit. Freeport LNG Development, L.P., 1500 Lamar St, Quintana, Texas 77541-8113, a Natural Gas Distribution facility, has applied to the TCEQ for a Significant Revision of Federal Operating Permit (herein referred to as permit) No. O2878, Application No. 39287 to authorize operation of the Freeport LNG Regas Facility and Liquefaction Plant. The area addressed by the application is located at 1500 Lamar St in Quintana, Brazoria County, Texas 77541-8113. This application was received by the TCEQ on November 4, 2025.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, will codify the conditions under which the site must operate. The TCEQ Executive Director recommends issuance of the draft permit. The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code (30 TAC) §122.10. The permit will not authorize new construction or new emissions.

Notice and Comment Hearing. The hearing will be structured for the receipt of oral or written comments by interested persons. Registration and an informal discussion period with commission staff members will begin during the first 30 minutes. During the informal discussion period, the public is encouraged to ask questions and engage in open discussion with the applicant and the TCEQ staff concerning this application and draft permit. Issues raised during this discussion period will only be addressed in the formal response to comments if the issue is also presented during the hearing. After the conclusion of the informal discussion period, the TCEQ will conduct a notice and comment hearing regarding the application and draft permit. Individuals may present oral statements when called upon in order of registration. A reasonable time limit may be established at the hearing to assure that enough time is allowed for every interested person to speak. There will be no open discussion during the hearing. The purpose of this hearing will be to receive formal public comment which the TCEQ will consider in determining whether to revise and/or issue the permit and in determining the accuracy and completeness of the permit. Any person may attend this meeting and submit written or oral comments. The hearing will be conducted in accordance with the Texas Clean Air Act §382.0561, as codified in the Texas Health and Safety Code, and 30 TAC §122.340.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact the TCEQ Public Education Program toll free at (800) 687-4040 or (800) RELAY-TX (TDD), at least five business days prior to the hearing.

Any person may also submit written comments before the hearing to the Texas Commission on Environmental Quality, Office of Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at **www14.tceq.texas.gov/epic/eComment/**. Written comments should include (1) your name, address, and daytime telephone number, and (2) the draft permit number found at the top of this notice.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted: written comments and/or hearing requests, attended and signed in at the hearing, or requested to be on the mailing

list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with applicable requirements or the requirements of 30 TAC Chapter 122.

Mailing List. In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

Information. For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality, Public Education Program, MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or toll free at (800) 687-4040. General information about the TCEQ can be found at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained for Freeport LNG Development, L.P. by calling Thong Man, P.E., Regulatory Compliance Engineer at (979) 230-4820.

Notice Issuance Date: July 1, 2026

TRD-202602900
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 14, 2026

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Notice of Opportunity to Comment on a Default Order 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 Order (DO). 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 **August 24, 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 the 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 August 24, 2026**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Sabinal; DOCKET NUMBER: 2022-1310-UTL-E;TCEQ ID NUMBER: RN101390938; LOCATION: 301 North Houston Street, Sabinal, Uvalde County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service; PENALTY: $600; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202602894
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 14, 2026

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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 AOs. 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 **August 24, 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 AOs 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 August 24, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC,

§7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: DEANVILLE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-1630-PWS-E; TCEQ ID NUMBER: RN101442085; LOCATION: 6535 Farm-to-Market Road 111 near Deanville, Burleson County; TYPE OF FACILITY: a public water system; PENALTY: $7,862; STAFF ATTORNEY: David Keagle, Litigation, MC 175, (512) 239-3923; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: WOODLAKE-JOSSER AND WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-0921-PWS-E ; TCEQ ID NUMBER: RN101452621; LOCATION: 2908 East United States Highway 287 near Groveton, Trinity County; TYPE OF FACILITY: a public water system; PENALTY: $14,355; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202602892
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 14, 2026

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Notice of Public Meeting Air Permit Renewal Permit Number 19282

APPLICATION. Eco Services Operations Corp., has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 19282, which would authorize continued operation of the sulfuric acid manufacturing plant located at 8615 Manchester Street, Houston, Harris County, Texas 77012. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en espanol está disponible en https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps. 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 application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.271111,29.718888&level=13. The existing facility and/or related facilities are authorized to emit the following air contaminants: carbon monoxide, sulfuric acid, hazardous air pollutants, nitrogen oxides, *lead*, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and sulfur dioxide.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. In addition to the renewal, this permitting action includes the incorporation of permits by rule, standard permits, and changes in emission factors related to this permit. An amendment application that is not subject to public notice or an opportunity for a contested case hearing is also being reviewed. The reasons for any changes or incorporations, to the extent they are included in the renewed permit, may include the enhancement of operational control at the plant or enforceability of the permit. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

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:

Thursday, August 20, 2026 at 6:00 p.m.

Houston City College - Southeast Campus

6815 Rustic Street

Dr. Irene M. Porcarello Bldg. D, Room 108

Houston, Texas 77087

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 Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Melcher Neighborhood Library, 7200 Keller Street, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

Further information may also be obtained from Eco Services Operations Corp., 8615 Manchester Street, Houston, Texas 77012-2142 or by calling Mr. Julio Martinez, Environmental Specialist at (713) 924-1410.

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.

Notice Issuance Date: July 15, 2026

TRD-202602915

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of BRGSSC, LLC SOAH Docket No. 582-26-23036 TCEQ Docket No. 2021-1444-EAQ-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference:

10:00 a.m. (CT) - August 13, 2026

To join the Zoom meeting via computer or smart device:

https://soah-texas.zoomgov.com

Meeting ID: 161 984 0712

Password: TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

Meeting ID: 161 984 0712

Password: 5247869

The purpose of the hearing will be to consider the Executive Director's First Amended Report and Petition mailed September 4, 2025 concerning assessing administrative penalties against and requiring certain actions of BRGSSC, LLC, for violations in Bexar County, Texas, of: 30 Texas Administrative Code §213.4(k) and Edwards Aquifer Water Pollution Abatement Plan ("WPAP") No. 13-15070301, Permanent Pollution Abatement Measures.

The hearing will allow BRGSSC, LLC, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford BRGSSC, LLC, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of BRGSSC, LLC to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's First Amended Report and Petition, attached hereto and incorporated herein for all purposes.** BRGSSC, LLC, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054, Tex. Water Code chs. 7 and 26, and 30 Texas Administrative Code chs. 70 and 213; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Jennifer Peltier, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting the Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at www.tceq.texas.gov/goto/efilings or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: July 14, 2026

TRD-202602916
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Notice of Public Meeting New Permit No. WQ0016915001

APPLICATION. Lavon 333 LLC and Royal Texas Investors LLC, 3555 Timmons Lane, Suite 1440, Houston, Texas 77027, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016915001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 71,750 gallons per day.

TCEQ received this application on December 4, 2025.

DESCRIPTION OF FACILITY AND LOCATION OF THE DISCHARGE ROUTE. The facility will be located approximately 3,500 feet east of the intersection of Farm-to-Market Road 6 and County Road 544, in Collin County, Texas 75173. The treated effluent will be discharged to an unnamed tributary, thence to Bear Creek, thence to the Camp Creek portion of Lake Ray Hubbard in Segment No. 0820 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary and Bear Creek. The designated uses for Segment No. 0820 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 water bodies 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=-96.396111,33.042222&level=18

PRELIMINARY DECISION AND TECHNICAL REVIEW. 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:

Thursday, August 27, 2026 at 7:00 p.m.

Josephine Community Center

404 S. Main Street

Josephine, Texas 75164

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 Charles Rike Memorial Library, Circulation Desk, 203 Orange Avenue, Farmersville, Texas. The application and associated notices are available electronically 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 Lavon 333 LLC and Royal Texas Investors LLC at the address stated above or by calling Ms. Janela Revilla, P.E., Project Engineer, JA Wastewater LLC, (737) 864-3476.

Issuance Date: July 15, 2026

TRD-202602913
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 15, 2026

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Notice of Water Quality Application - WQ0016352001 - Minor Amendment

The following notice was issued on July 07, 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 THIS NOTICE WAS MAILED.

INFORMATION SECTION

CR Austin Resort, LLC has applied for a minor amendment to TCEQ Permit No. WQ0016352001, to reduce the disposal of treated domestic wastewater from a maximum daily average flow of 100,000 gallons per day (gpd) to 66,400 gpd, via non-public access subsurface area drip dispersal system. Additionally, the acreage of the disposal area is being reduced from 23.56 acres to 15.24 acres. This permit will not authorize the discharge of pollutants into waters in the State. The wastewater treatment facility and disposal site are located approximately 1.3 miles northwest of the intersection of Flying X Road and County Road 407, in Burnet County, Texas 78669.

TRD-202602899
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 14, 2026

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Texas Health and Human Services Commission

Correction of Error

The Health and Human Services Commission proposed amendments to 26 TAC §747.501 and §747.701 in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4519). Due to an error by the Texas Register, several items in the proposal were published incorrectly.

Implied subsection (a) of 26 TAC §747.501 should read as follows:

A child care home [~~You~~] must develop written operational policies and procedures that [~~at a minimum~~] address [~~each of the following~~]:

Implied subsection (a) of 26 TAC §747.701 should read as follows:

A child care home [~~You~~] must keep written records of accidents and incidents that happen while a child is in care. A child care home must use [~~record~~] the [~~following information on the~~] Child Care Regulation Incident or Illness Report form, [~~Licensing *Incident/Illness Report* Form 7239~~] or another form with [~~that contains at least~~] the same information, to record:

TRD-202602895

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Texas Department of Insurance

Company Licensing

Application for Windhaven National Insurance Company, a foreign fire and/or casualty company, to change its name to Red Viking Insurance Company. The home office is in Salt Lake City, Utah.

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-202602804
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: July 9, 2026

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Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2772 "ELECTRIC 10s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2772 is "ELECTRIC 10s". The play style is "find symbol".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2772 shall be $2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2772.

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: STAR SYMBOL, SUN SYMBOL, CHERRY SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, HORSESHOE SYMBOL, MOON SYMBOL, ANCHOR SYMBOL, DIAMOND SYMBOL, SAILBOAT SYMBOL, LEMON SYMBOL, ELEPHANT SYMBOL, DICE SYMBOL, RAINBOW SYMBOL, LIGHT BULB SYMBOL, 10X SYMBOL, $2.00, $3.00, $5.00, $10.00, $20.00, $30.00, $50.00, $100, $1,000 and $30,000.

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. 2772 - 1.2D

Figure 1: GAME NO. 2772 - 1.2D

PLAY SYMBOL	CAPTION
STAR SYMBOL	STAR
SUN SYMBOL	SUN
CHERRY SYMBOL	CHERRY
GOLD BAR SYMBOL	BAR
HEART SYMBOL	HEART
HORSESHOE SYMBOL	HRSHOE
MOON SYMBOL	MOON
ANCHOR SYMBOL	ANCHOR
DIAMOND SYMBOL	DIAMND
SAILBOAT SYMBOL	BOAT
LEMON SYMBOL	LEMON
ELEPHANT SYMBOL	ELEPHT
DICE SYMBOL	DICE
RAINBOW SYMBOL	RAINBW
LIGHT BULB SYMBOL	WIN$
10X SYMBOL	WINX10
$2.00	TWO$
$3.00	THR$
$5.00	FIV$
$10.00	TEN$
$20.00	TWY$
$30.00	TRTY$
$50.00	FFTY$
$100	ONHN
$1,000	ONTH
$30,000	30TH

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 (2772), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2772-0000001-001.

H. Pack - A Pack of the "ELECTRIC 10s" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

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 pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "ELECTRIC 10s" Scratch Ticket Game No. 2772.

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 "ELECTRIC 10s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose twenty-four (24) Play Symbols. ELECTRIC 10s PLAY INSTRUCTIONS: If a player reveals a "LIGHT BULB" Play Symbol, the player wins the PRIZE for that symbol instantly. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol.

ELECTRIC BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same ELECTRIC 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 twenty-four (24) 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 twenty-four (24) 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 twenty-four (24) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the twenty-four (24) 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: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. GENERAL: A Ticket can win as indicated by the prize structure.

C. GENERAL: A Ticket can win up to twelve (12) times.

D. GENERAL: On winning and Non-Winning Tickets, the top cash prizes of $1,000 and $30,000 will each appear at least one (1) time, except on Tickets winning eleven (11) times or more and with respect to other parameters, play action or prize structure.

E. GENERAL: The "LIGHT BULB" (WIN$) and "10X" (WINX10) Play Symbols will never appear in either of the two (2) ELECTRIC BONUS play areas.

F. ELECTRIC 10s: No matching non-winning Play Symbols will appear on a Ticket.

G. ELECTRIC 10s: On all Tickets, a Prize Symbol will not appear more than two (2) times, except as required by the prize structure to create multiple wins.

H. ELECTRIC 10s: Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

I. ELECTRIC 10s: The "LIGHT BULB" (WIN$) Play Symbol will win the corresponding PRIZE for that symbol.

J. ELECTRIC 10s: The "10X" (WINX10) Play Symbol will win 10 TIMES the PRIZE for that symbol and will win as per the prize structure.

K. ELECTRIC 10s: The "10X" (WINX10) Play Symbol will not appear more than one (1) time on a Ticket.

L. ELECTRIC 10s: The "LIGHT BULB" (WIN$) and "10X" (WINX10) Play Symbols will never appear on Non-Winning Tickets.

M. ELECTRIC 10s: The "LIGHT BULB" (WIN$) and "10X" (WINX10) Play Symbols can appear on the same Ticket.

N. ELECTRIC BONUS: A Ticket can win up to one (1) time in each of the two (2) ELECTRIC BONUS play areas.

O. ELECTRIC BONUS: A Ticket will not have matching, non-winning Prize Symbols across the two (2) ELECTRIC BONUS play areas.

P. ELECTRIC BONUS: Non-winning Prize Symbols in an ELECTRIC BONUS play area will not be the same as winning Prize Symbols from the other ELECTRIC BONUS play area.

Q. ELECTRIC BONUS: A non-winning ELECTRIC BONUS play area will have two (2) different Prize Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "ELECTRIC 10s" Scratch Ticket Game prize of $2.00, $3.00, $5.00, $10.00, $20.00, $30.00, $50.00 or $100, 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 or $100 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 "ELECTRIC 10s" Scratch Ticket Game prize of $1,000 or $30,000, 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 "ELECTRIC 10s" 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 Taxpayer 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 "ELECTRIC 10s" 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 "ELECTRIC 10s" 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 9,120,000 Scratch Tickets in Scratch Ticket Game No. 2772. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2772 - 4.0

Figure 2: GAME NO. 2772 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$2.00	863,360	10.56
$3.00	486,400	18.75
$5.00	389,120	23.44
$10.00	206,720	44.12
$20.00	158,080	57.69
$30.00	12,160	750.00
$50.00	11,590	786.89
$100	3,610	2,526.32
$1,000	16	570,000.00
$30,000	6	1,520,000.00

*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 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. 2772 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. 2772, 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-202602909
Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: July 15, 2026

♦ ♦ ♦

State Securities Board

Notice of Public Hearing

The Securities Commissioner of the Texas State Securities Board (Board) will hold a public hearing pursuant to Section 4005.103 of the Texas Securities Act on the matter of the application by Nasdaq Texas, LLC, to determine whether such exchange qualifies and shall be approved whereby the benefits of the exemption provided by Section 4005.054 of the Texas Securities Act shall be afforded to securities issues fully listed thereon. The hearing will begin at 10:00 a.m., central time, Wednesday, August 5, 2026, in the Kinney Conference Room, Thomas Jefferson Rusk State Office Building, 208 E. 10th Street, 5th Floor, Austin, Texas 78701.

All interested persons are invited to attend. Persons who plan to attend are encouraged to inform the General Counsel, Ms. Cheryn Howard, at GC@ssb.texas.gov or by telephone at (512) 305-8303.

Members of the Board may be present. This hearing is being posted as a meeting of the Board as required by the Texas Open Meetings Law, in case a quorum of members is present.

Persons with disabilities who plan to attend this hearing and require auxiliary aids or services should contact Sonia Fergerson at (512) 305-8306 at least five business days prior to the date of the hearing so that appropriate arrangements can be made.

TRD-202602859
Jeramy Heintz
Securities Commissioner
State Securities Board
Filed: July 13, 2026

♦ ♦ ♦

Workforce Solutions Deep East Texas

Request for Proposals 26-444 Internet and Phone Services

The purpose of this Request for Proposals (RFP) is for Workforce Solutions Deep East Texas to solicit proposals from qualified and eligible entities for internet and phone services.

Anyone interested in submitting a proposal shall obtain a copy of the RFP at https://detwork.org/about-us/doing-business or request a copy of the RFP by emailing procurement@detwork.org.

Release Date: July 15, 2026

Deadline for Submission of Questions: July 22, 2026, 4:00 p.m. (CST)

Proposal Due Date and Time: August 5, 2026, 4:00 p.m. (CST)

Projected Notice of Award Date: August 12, 2026

Proposals must be submitted via email to procurement@detwork.org.

TRD-202602908
Dr. Ty Cauthen
Executive Director
Workforce Solutions Deep East Texas
Filed: July 15, 2026

♦ ♦ ♦


FOX

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)*

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