

# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 10. COMMUNITY DEVELOPMENT

### PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

#### CHAPTER 10. UNIFORM MULTIFAMILY RULES

#### SUBCHAPTER E. POST AWARD AND ASSET MANAGEMENT REQUIREMENTS

##### 10 TAC §10.406

The Texas Department of Housing and Community Affairs (the "Department") adopts the amendment to 10 TAC Chapter 10, Subchapter E, Post Award and Asset Management Requirements, §10.406 Ownership Transfers without changes to the proposed text as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3054). The rule will not be republished. The purpose of the amendment is to clarify processes that will ensure accurate processing of post award activities, and to communicate more effectively with multifamily Development Owners regarding their responsibilities after funding or award by the Department.

Tex. Gov't Code §2001.0045(b) does not apply to the amended rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset. In general, most changes were corrective in nature and clarify language or processes to more adequately communicate the language or process. No public comment was received, and there is no change from the proposed 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.

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the amended rule would be in effect, the amendment does not create or eliminate a government program, but relates to changes to an existing activity, concerning the post award activities of Low-Income Housing Tax Credit (LI-HTC) and other Department-funded multifamily Developments.

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

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

4. The amendment does not result in an increase in fees paid to the Department or in a substantial decrease in fees paid to the Department.

5. The amendment is not creating a new regulation, but are revisions to provide additional clarification.

6. The amendment will not repeal an existing regulation.

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

8. The amendment will not negatively or positively 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.

1. The Department has evaluated this amended rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This amended rule relates to the procedures for the handling of post award and asset management activities of multifamily developments awarded funds through various Department programs. Other than in the case of a small or micro-business that is an owner or a party to one of the Department's properties, no small or micro-businesses are subject to the amended rule. If a small or micro-business is such an owner or participant, the amended rule provides for a more clear, transparent process for doing so and do not result in a negative impact for those small or micro-businesses. There are not likely to be any rural communities subject to the amended rule because this amended rule is applicable only to the owners or operators of properties in the Department's portfolio, not municipalities.

3. The Department has determined that because this amended rule relates only to the process in use for the post award and asset management activities of the Department's portfolio, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amendment does not contemplate nor 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 will be in effect, there will be no economic effect on local employment, because the amended rule only provides for administrative processes required of properties in the Department's portfolio. No program funds are

channeled through this amended rule, so no activities under this amended rule would support additional local employment opportunities. Alternatively, the amended rule would also not cause any negative impact on employment. Therefore, no local employment impact statement is required to be prepared for the amended rule.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that no impact is expected on a statewide basis, there are also no "probable" effects of the amended rule on particular geographic regions.

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 benefit anticipated as a result of the amended sections would be increased clarity and consistency across rule sections. There will not be economic costs to individuals required to comply with the amendment.

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 does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENTS AND STAFF REASONED RESPONSE. The Department accepted public comment between May 23, 2025, and June 23, 2025. No public comment was received.

The Board adopted the final order adopting the amendment on July 24, 2025.

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

Except as described herein, the amended sections affect 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 24, 2025.

TRD-202502582

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Effective date: August 13, 2025

Proposal publication date: May 23, 2025

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



## TITLE 16. ECONOMIC REGULATION

### PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

#### CHAPTER 73. ELECTRICIANS

##### 16 TAC §73.110

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to an existing rule at 16 Texas Administrative Code (TAC), Chapter 73, §73.110, regarding the Electricians program, without changes to the proposed text as published in the April 11, 2025, issue of the *Texas Register* (50 TexReg 2371). This rule will not be republished.

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 73, implement Texas Occupations Chapter 1305, Electricians.

The adopted amendment reduces, from four to three, the number of "practicum" credits that a high school or college electrical career and technical education (CTE) program must require its students to complete. The Department's current rule at 16 T.A.C. §73.110, which implemented House Bill 1391 (88th Reg. Session, 2023), outlines the standards for electrical CTE programs. Under the current version of §73.110, electrical CTE programs must require students to complete four credits in a practicum course. In a practicum course, students earn academic credit for working off-campus for an electrical contractor, under the supervision of a master electrician. The adopted amendment is necessary because public Texas public high schools are authorized to offer only up to three credits in a practicum course. Requiring schools to provide four credits of a practicum course would impose unnecessary burdens and costs on schools and would adversely affect many students' schedules.

#### SECTION-BY-SECTION SUMMARY

The adopted amendment amends §73.110(b)(4) to reduce, from four to three, the required number of practicum credits that an electrical CTE program must offer.

#### PUBLIC COMMENTS

The Department drafted and distributed the proposed amendment to persons internal and external to the agency. The proposed amendment was published in the April 11, 2025, issue of the *Texas Register* (50 TexReg 2371). The public comment period closed on May 12, 2025. The Department received comments from two interested parties on the proposed amendment. The public comments are summarized below.

Comment: IEC of East Texas, Inc. commented in favor of the proposed amendment.

*Department Response:* The Department thanks IEC of East Texas, Inc. for expressing support for the proposed rules. The Department did not make any changes to the proposed rules in response to this comment.

Comment: Crest Electrical Solutions, LLC commented to inquire about the possibility of future rule changes concerning ovens and ranges. The comment did not address the proposed amendment or take a stance for or against.

*Department Response:* The comment is not relevant to this rule-making and the Department did not make any changes to the proposed rules in response to this comment.

#### COMMISSION ACTION

At its meeting on July 8, 2025, the Commission adopted the proposed rules as published in the *Texas Register*.

#### STATUTORY AUTHORITY

The adopted amendment is adopted under the Texas Occupations Code, Chapters 51 and 1305, which authorize the Texas Commission of Licensing and Regulation, the Department's gov-

erning body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted amendment are those set forth in the Texas Occupations Code, Chapters 51 and 1305. No other statutes, articles, or codes are affected by the adopted rule.

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 25, 2025.

TRD-202502629

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: August 15, 2025

Proposal publication date: April 11, 2025

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



## CHAPTER 82. BARBERS

### 16 TAC §§82.1, 82.10, 82.20, 82.80, 82.120

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of existing rules at 16 Texas Administrative Code (TAC), Chapter 82, §§82.1, 82.10, 82.20, 82.80, and 82.120, regarding the Barbering and Cosmetology program, without changes to the proposed text as published in the March 28, 2025, issue of the *Texas Register* (50 TexReg 2139). These rules will not be republished.

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 82, implement Texas Occupations Code, Chapter 1603, Regulation of Barbering and Cosmetology.

The adopted rules are necessary to repeal obsolete rules that are no longer necessary after the consolidation of the rules for barbering and cosmetology into 16 TAC Chapter 83, which took effect September 1, 2023. Provisions in Chapter 82 were left in place to provide details for barbering regarding definitions, licensing provisions, fees, and curriculum requirements that were in effect prior to September 1, 2023. Those provisions are no longer necessary.

#### SECTION-BY-SECTION SUMMARY

The adopted rules repeal Chapter 82, Barbers, which consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

The adopted rules repeal §82.1, Authority, which consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

The adopted rules repeal §82.10, Definitions, which consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

The adopted rules repeal §82.20, License Requirements--Individuals (before September 1, 2023). This repealed section consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

The adopted rules repeal §82.80, Fees (before September 1, 2023). This section consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

The adopted rules repeal §82.120, Technical Requirements--Curricula Standards (before August 1, 2023). This section consists of provisions that are no longer necessary after the consolidation of the rules for barbering and cosmetology.

#### PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 28, 2025, issue of the *Texas Register* (50 TexReg 2139). The public comment period closed on May 5, 2025. The Department received comments from one interested party in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on March 17, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department received comments from two interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

##### *Comments in Response to the Posted Summary*

Comment 1: An interested individual commented that she considers the spa pedicure log rule requirement to be unnecessary. This comment is neither for nor against the proposed rules, because the rule relevant to the comment is not part of the current rulemaking.

Department Response: The Department disagrees with the comment because it is outside the scope of the proposed rules. This comment concerns rule §83.108 Health and Safety Standards--Foot Spas, Foot Basins, and Spa Liners, which is not part of the proposed rules. This suggestion did not result in any changes to the proposed rules but could be considered during future rulemaking.

##### *Comments in Response to the Published Proposed Rules*

Comment 2: An interested individual made a comment about license reciprocity. She wanted the requirement for re-testing by out-of-state license holders to be removed. This comment is neither for nor against the proposed rules, because the proposed rule is not undergoing substantive change during this rulemaking.

Department Response: The Department disagrees with the comment because it is outside the scope of the proposed rules. This comment concerns rule §83.28 Substantial Equivalence and Provisional Licensure, which is being only slightly amended during this rule-making by removing obsolete transition language in subsection (a)(6) and amending subsection (k) to remove an obsolete citation and clarify that the subsection applies to documented work experience performed in the jurisdiction outside of Texas in which the person is licensed. The comment requests a substantive rule change that is not part of the proposed rules that address ongoing consolidation of 16 TAC Chapters 82 and 83.

Though the Department did not make a rule change in response to the comment, the Licensing Division contacted the commenter, and after a discussion, the commenter appeared

satisfied with the options that were presented and which did not require re-testing.

Comment 3: An interested individual commented that he was seeking information about updates to cosmetology. This comment was neither for nor against the proposed rules.

Department Response: The Department disagrees with this comment because it is outside the scope of the proposed rules. The Department did not make any changes to the proposed rules as a result of the comment.

This comment was provided to Customer Service so the individual can have his questions addressed.

#### ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Barbering and Cosmetology Advisory Board met on June 16, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on July 8, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

#### STATUTORY AUTHORITY

The adopted repeals are adopted under Texas Occupations Code, Chapters 51 and 1603, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt repeals as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 1603. No other statutes, articles, or codes are affected by the adopted repeals.

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 25, 2025.

TRD-202502628

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: August 15, 2025

Proposal publication date: March 28, 2025

For further information, please call: (512) 463-7750



## CHAPTER 83. BARBERS AND COSMETOLOGISTS

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of existing rules at 16 Texas Administrative Code (TAC), Chapter 83, §§83.2, 83.20, 83.80, 83.120, 83.200, and 83.201; amendments to existing rules at §§83.10, 83.22, 83.23, 83.25, 83.28, 83.72, and 83.202; and new rules at §83.20 and §83.80, regarding the Barbering and Cosmetology program, without changes to the proposed text as published in the March 28, 2025, issue of the *Texas Register* (50 TexReg 2140). These rules will not be republished.

The Commission also adopts new rules at 16 TAC Chapter 83, §83.15, regarding the Barbering and Cosmetology program, with

changes to the proposed text as published in the March 28, 2025, issue of the *Texas Register* (50 TexReg 2140). These rules will be republished.

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 83, implement Texas Occupations Code, Chapter 1603, Regulation of Barbering and Cosmetology.

The adopted rules repeal obsolete transition provisions; reorganize rule sections; clarify definitions and services regulated by the Department; update terminology and citations; clarify licensing provisions for establishments and schools; update school facility and signage requirements; and clarify curriculum requirements.

Additionally, the Department removed an erroneous reference to §83.31 which appeared in the opening paragraph of the March 28, 2025, issue of the *Texas Register* (50 TexReg 2140). No changes have been made to that section.

#### Four-Year Rule Review

The adopted rules are necessary to implement changes recommended as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department's Notice of Intent to Review 16 TAC Chapter 83, was published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1737). At its meeting on October 10, 2023, the Commission readopted the rule chapter in its entirety without changes. The readoption notice was published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6613).

In response to the Notice of Intent to Review that was published, the Department received public comments from six interested parties requesting amendments to Chapter 83. The comments suggested changes including reinstating the instructor license; allowing licensees to provide micropigmentation and intradermal cosmetic services; requiring licensees to obtain a blood-borne pathogen certification; requiring only one exam for licensure; removing continuing education requirements; allowing licensed public schools to administer practical exams; and making changes to the subjects and hours listed in the curriculum requirements. These suggested changes are not included in the adopted rules. The adopted rules consist only of changes recommended by Department staff during the rule review process.

#### SECTION-BY-SECTION SUMMARY

The adopted rules repeal existing §83.2, Transition Provisions. The provisions in this repealed rule consist of transition language to accommodate the consolidation of the Barbering and Cosmetology rules that took effect September 1, 2023. These provisions are no longer necessary.

The adopted rules amend §83.10, Definitions. The adopted rules add clarifying language to the definition of "esthetician" remove the definition for "esthetician/manicurist" and replace it with the same definition for "manicurist/esthetician" for consistency with statutory terminology; amend the definition for "eyelash extension application" by replacing "and" with "or" and adding language to clarify that the term does not include a temporary strip or cluster of eyelashes attached to the lash line with an adhesive; add clarifying language to the definition for "eyelash extension specialist"; remove an obsolete reference to "cosmetology" in the definition for "guest presenter"; remove obsolete statutory references in the definition for "licensee"; rephrase the definition

for "safety razor" to provide clarity; and renumber the remaining provisions.

The adopted rules add new §83.15, Application of Chapter, to clarify the Department's interpretation of certain provisions of Texas Occupations Code §1603.0013. The adopted rules add new subsection (a) to explain the intent of the section; add new subsection (b) to clarify the term "cosmetic service" includes any barbering or cosmetology service; add new subsection (c) to clarify the meaning of the term "licensed nursing or convalescent custodial or personal care home"; and add new subsection (d) to clarify that the term "operator license" includes any practitioner license.

The proposed rules included a subsection (b) and (c) to clarify what the practice of "natural hair braiding" does, and does not, include. Texas Occupations Code 1603.0013(7) exempts "natural hair braiding" from the scope of practice of barbering and cosmetology. The Department has removed these subsections from the adopted rules in response to questions from the Barbering and Cosmetology Advisory Board and may explore the topic of natural hair braiding more fully in a possible future rule-making. More information about this change can be found in the "Advisory Board Recommendations" section below.

The adopted rules repeal existing §83.20, License Requirements--Individuals (before September 1, 2023). The provisions in this repealed rule are replaced with new §83.20, License Requirements--Individuals.

The adopted rules add new §83.20, License Requirements--Individuals. This new rule includes provisions that are relocated from existing §83.200, which is being repealed. The relocated provisions are revised to update rule citations, clarify language regarding criminal history background checks, update terminology for consistency with statutory language, and remove unnecessary transition language.

The adopted rules amend §83.22, License Requirements--Establishments. The adopted rules add new subsection (d) to clarify that a single establishment license may be issued for multiple units or suites operated as a single establishment within the same building or premises.

The adopted rules amend §83.23, License Requirements--Schools. The adopted rules add new subsection (f) to clarify that a single school license may be issued for multiple units or suites operated as a single school within the same building or premises.

The adopted rules amend §83.25, License Requirements--Continuing Education. The adopted rules remove an obsolete citation in subsection (h)(3) and amend subsection (k) to clarify that the subsection applies to a licensee who has held a practitioner license in Texas.

The adopted rules amend §83.28, Substantial Equivalence and Provisional Licensure, by removing obsolete transition language in subsection (a)(6) and amending subsection (k) to remove an obsolete citation and clarify that the subsection applies to documented work experience performed in the jurisdiction outside of Texas in which the person is licensed.

The adopted rules amend §83.72, Responsibilities of Schools. The adopted rules amend subsection (c) to remove the requirement for a school to notify the Department of alterations to its floor plan; amend subsection (f) to remove an obsolete citation; rephrase subsection (h) for clarity; amend subsection (k)(2)(C) to update a citation; amend subsection (q) to update

a citation; amend subsection (u) to remove the requirement for a school to have a classroom separated from the laboratory area by walls extending to the ceiling; amend subsection (v)(1) to allow a school to post a copy of the school's most recent inspection report instead of posting a notice that a copy of the report is available upon request; amend subsection (v)(3) to allow a school to post a sign provided by the Department instead of posting a sign in at least 10-inch block letters; and add new subsection (y) to clarify that a school must not allow an instructor to teach services outside the scope of the instructor's practitioner license.

The adopted rules repeal existing §83.80, Fees (before September 1, 2023). The provisions in this repealed rule are replaced with new §83.80, Fees.

The adopted rules add new §83.80, Fees. This new rule includes provisions that are relocated from existing §83.201, which is being repealed. The relocated provisions are revised to update terminology, update citations, and remove obsolete transition language. The Advisory Board added parenthetical language for clarity.

The adopted rules repeal §83.120, Technical Requirements--Curriculum Standards (before August 1, 2023). This repealed section includes curriculum standards that became obsolete on August 1, 2023. The current curriculum standards are provided in existing §83.202.

The adopted rules repeal §83.200, License Requirements--Individuals (on or after September 1, 2023). The provisions in this repealed section are relocated to new §83.20 with revisions as explained in the summary for that section.

The adopted rules repeal §83.201, Fees (on or after September 1, 2023). The provisions in this repealed section are relocated to new §83.80 with revisions as explained in the summary for that section.

The adopted rules amend §83.202, Technical Requirements--Curriculum Standards (on or after August 1, 2023). The adopted rules amend the section title to remove obsolete transition language and amend the section text to add clarifying language, provide consistent terminology, and remove unnecessary language and obsolete transition provisions.

## PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 28, 2025, issue of the *Texas Register* (50 TexReg 2140). The public comment period closed on May 5, 2025. The Department received comments from one interested party in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on March 17, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department received comments from two interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

### *Comments in Response to the Posted Summary*

*Comment 1:* An interested individual commented that she considers the spa pedicure log rule requirement to be unnecessary. This comment is neither for nor against the proposed rules, be-

cause the rule relevant to the comment is not part of the current rulemaking.

**Department Response:** The Department disagrees with the comment because it is outside the scope of the proposed rules. This comment concerns rule §83.108 Health and Safety Standards--Foot Spas, Foot Basins, and Spa Liners, which is not part of the proposed rules. This suggestion did not result in any changes to the proposed rules but could be considered during future rulemaking.

#### *Comments in Response to the Published Proposed Rules*

**Comment 2:** An interested individual made a comment about license reciprocity. She wanted the requirement for re-testing by out-of-state license holders to be removed. This comment is neither for nor against the proposed rules, because the proposed rule is not undergoing substantive change during this rulemaking.

**Department Response:** The Department disagrees with the comment because it is outside the scope of the proposed rules. This comment concerns rule §83.28 Substantial Equivalence and Provisional Licensure, which is being only slightly amended during this rule-making by removing obsolete transition language in subsection (a)(6) and amending subsection (k) to remove an obsolete citation and clarify that the subsection applies to documented work experience performed in the jurisdiction outside of Texas in which the person is licensed. The comment requests a substantive rule change that is not part of the proposed rules that address ongoing consolidation of 16 TAC Chapters 82 and 83.

Though the Department did not make a rule change in response to the comment, the Licensing Division contacted the commenter, and after a discussion, the commenter appeared satisfied with the options that were presented and which did not require re-testing.

**Comment 3:** An interested individual commented that he was seeking information about updates to cosmetology. This comment was neither for nor against the proposed rules.

**Department Response:** The Department disagrees with this comment because it is outside the scope of the proposed rules. The Department did not make any changes to the proposed rules as a result of the comment.

This comment was provided to Customer Service so the individual can have his questions addressed.

#### **ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION**

The Barbering and Cosmetology Advisory Board met on June 16, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register* with changes to §83.15 made in response to public comments and/or Department recommendations.

At the Commission Meeting on July 8, 2025, the Commission adopted the proposed rules with changes as recommended by the Advisory Board.

#### **16 TAC §§83.2, 83.20, 83.80, 83.120, 83.200, 83.201**

##### **STATUTORY AUTHORITY**

The adopted repeals are adopted under Texas Occupations Code, Chapters 51 and 1603, which authorize the Texas

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

The adopted repeals are also adopted under Texas Government Code, Chapter 411, Subchapter F, and Texas Occupations Code, Chapters 51 and 53, which establish the Department's statutory authority to conduct criminal history background checks on an applicant for or a holder of a license, certificate, registration, title, or permit issued by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 1603. No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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 25, 2025.

TRD-202502633

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: August 15, 2025

Proposal publication date: March 28, 2025

For further information, please call: (512) 463-7750



#### **16 TAC §§83.10, 83.15, 83.20, 83.22, 83.23, 83.25, 83.28, 83.72, 83.80, 83.202**

##### **STATUTORY AUTHORITY**

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 1603, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Government Code, Chapter 411, Subchapter F, and Texas Occupations Code, Chapters 51 and 53, which establish the Department's statutory authority to conduct criminal history background checks on an applicant for or a holder of a license, certificate, registration, title, or permit issued by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1603. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

##### *§83.15. Application of Chapter.*

(a) This section clarifies certain provisions of §1603.0013 of the Act.

(b) For purposes of §1603.0013(4), (5), and (6), the term "cosmetic service" includes any barbering or cosmetology service.

(c) For purposes of §1603.0013(4) and (5), the term "licensed nursing or convalescent custodial or personal care home" means the holder of a license issued under Texas Health and Safety Code, Chapter 242.

(d) For purposes of §1603.0013(5), the term "operator license" includes any practitioner license.

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 25, 2025.

TRD-202502630

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: August 15, 2025

Proposal publication date: March 28, 2025

For further information, please call: (512) 463-7750



## TITLE 19. EDUCATION

### PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

#### CHAPTER 1. AGENCY ADMINISTRATION

#### SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE

##### 19 TAC §1.131

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter G, §1.131, Duration, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2549). The rule will not be republished.

The amendment continues the Apply Texas Advisory Committee for four more years.

The Apply Texas Advisory Committee provides the Coordinating Board with advice and recommendations regarding the common admission applications and the Apply Texas System. The amendment is adopted under Texas Education Code, §51.762, which creates the Apply Texas advisory committee, and Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule §1.131, Duration, is amended to change the Apply Texas Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 51.762, and Texas Government Code, chapter 2110, which create the Apply Texas advisory committee and provide the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The adopted amendment affects Texas Education Code, §§51.762 - 51.764, and Texas Administrative Code, Chapter 1, Subchapter G.

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. CERTIFICATION ADVISORY COUNCIL

##### 19 TAC §1.138

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter H, §1.138, Duration, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2550). The rule will not be republished.

This amendment continues the Certification Advisory Council four more years.

The Certification Advisory Council provides the Coordinating Board with advice and recommendations regarding Certificates of Authority. The amendment is adopted under Texas Government Code, §2110.008, and Education Code, §61.314, which authorizes the Board to use an advisory committee to recommend processes for the approval of private post-secondary institutions of higher education and requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.138, Duration, is amended to change the Certification Advisory Council abolishment date from October 31, 2025, to no later than October 31, 2029.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The adopted amendment affects Texas Administrative Code, Chapter 1, Subchapter H, and Texas Education Code, §61.314.

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## SUBCHAPTER I. FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE

### 19 TAC §1.145

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter I, §1.145, Duration, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2550). The rule will not be republished.

This adopted amendment continues the Family Practice Residency Advisory Committee four more years.

The Family Practice Residency Advisory Committee provides the Coordinating Board with advice and recommendations regarding the Family Practice Residency Program. The amendment is adopted under Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.145, Duration, is amended to change the Family Practice Residency Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The adopted amendment affects Texas Administrative Code, Chapter 1, Subchapter I, and Education Code, §61.505.

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## SUBCHAPTER J. FINANCIAL AID ADVISORY COMMITTEE

### 19 TAC §1.152

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Sub-

chapter J, §1.152, Financial Aid Advisory Committee, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2551). The rule will not be republished.

This adopted amendment extends the committee's duration by four years, through 2029.

The Financial Aid Advisory Committee provides the Coordinating Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. The Coordinating Board is authorized by Texas Education Code, §61.0776, and Texas Government Code, Chapter 2110, to establish rules relating to the Financial Aid Advisory Committee.

Rule 1.152, Duration, is amended to change the Financial Aid Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0776, which provides the Coordinating Board with the authority to establish and operate the Financial Aid Advisory Committee.

The adopted amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 1.

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 X. PROGRAM OF STUDY ADVISORY COMMITTEE

### 19 TAC §§1.270 - 1.277

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 1, Subchapter X, §§1.270 - 1.277, Program of Study Advisory Committee, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2552). The rules will not be republished.

The new sections establish the Program of Study Advisory Committee and its associated Task Groups in compliance with Texas Education Code, §61.8235.

The Coordinating Board adopts the establishment of the Program of Study Advisory Committee to advise the Coordinating Board on developing programs of study curricula for career and technical education offered in a public two-year institution. The adopted new rules provide clarity and guidance around committee membership, meeting cadence, and charges.

The new sections outline the authority and purpose of the new subchapter, define words and terms used In the subchapter, describe tasks assigned to the Program of Study Advisory Committee, detail the composition of the Program of Study Advisory Committee, provide specifics about meetings of the Program of Study Advisory Committee, detail the composition and tasks assigned to Program of Study Task Groups, establish the duration of this subchapter, and provide an effective date for the rules.

Rule 1.270, Authority and Purpose, states the purpose of the new rules, which is to create a Program of Study Advisory Committee to advise the Coordinating Board on developing Program of Study curricula for career and technical education offered in public two-year institutions under authority provided by Texas Government Code, §2110.0012, and Texas Education Code, §61.8235.

Rule 1.271, Definitions, provides definitions for words and terms within the Program of Study Advisory Committee rules. The definitions provide clarity for words and terms that are key to the understanding the Program of Study Advisory Committee.

Rule 1.272, Tasks Assigned to the Committee, describes the specific tasks assigned to the Program of Study Advisory Committee to support the development of Programs of Study for each approved career cluster.

Rule 1.273, Program of Study Advisory Committee Composition, Officers, and Terms, details the composition of the Program of Study Advisory Committee's membership and representation from various stakeholders, including secondary education, post-secondary education, business and industry, the Texas Workforce Commission, the Texas Education Agency, and the Texas Department of Licensure and Regulation or similar credentialing body. The section stipulates that the Program of Study Advisory Committee be composed of no more than twenty members, provides that the membership will select co-chairs, and specifies the length of term for the chairs and members.

Rule 1.274, Meetings of the Program of Study Advisory Committee, states that meetings of the Program of Study Advisory Committee will be held at least twice a year and that a quorum is equivalent to a simple majority of members being present.

Rule 1.275, Program of Study Task Groups Composition and Duties, describes Program of Study Task Groups as groups of representatives of public two-year institutions, secondary education, business, industry, and career and technical education experts. The section assigns the duties of recommending Program of Study curricula to the Program of Study Advisory Committee and prescribes that the task groups will operate within the procedures and timelines established by the Program of Study Advisory Committee.

Rule 1.276, Duration, notes that the Program of Study Advisory Committee will be abolished on January 1, 2031, and that it may be reestablished by the Coordinating Board.

Rule 1.277, Effective Date, indicates that the subchapter is effective as of September 1, 2025.

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Government Code, §2110.0012, and Texas Education Code, §61.8235, which provide the Coordinating Board with the authority to establish a programs of study advisory committee.

The adopted new sections affect Texas Education Code, §§61.059(p), 61.09021, and 61.8235, and Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter X.

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 2. ACADEMIC AND WORKFORCE EDUCATION

### SUBCHAPTER L. APPROVAL PROCESS FOR A CAREER AND TECHNICAL EDUCATION CERTIFICATE

#### 19 TAC §§2.263, 2.268, 2.269

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 2, Subchapter L, §2.263, and new §2.268, and §2.269, Approval Process for a Career and Technical Education Certificate, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2554). The rules will not be republished.

The amendments and new sections preserve legislative intent and necessary language previously found in Chapter 9, Subchapters B and F, repealed in July and January 2025, respectively.

Rule 2.263, Criteria for Approval, provides clarity to institutions on the content and process requirements that an institution must meet in seeking approval for a certificate. Subsection (d) is amended to add an exception to the contact hour threshold for certain medical programs.

New subsection (h) provides specific categories of courses that may not be included in a certificate program. The amendments reflect language from Chapter 9, Subchapter F, repealed by the Coordinating Board in January 2025 that is still applicable to criteria for approval.

Rule 2.268, Special Requirements for Commercial Driver's License Training Programs, provides language from Chapter 9, Subchapter B, repealed by the Coordinating Board in July 2025 that needs to be retained in rule in order to implement statutory requirements related to mandatory training on human trafficking.

Rule 2.269, Effective Date of Rules, provides language concerning the effective date of rules. The text for this rule is unchanged from its previous version as §2.268 that is repealed in a separate rulemaking.

No comments were received regarding the adoption of the amendments and new rules.

The amendments and new sections are adopted under Texas Education Code (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. TEC, §130.0105, requires the Coordinating Board to adopt rules requiring each public junior college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The adopted amendments and new sections affect Texas Education Code, §130A.101.

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## 19 TAC §2.268

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 2, Subchapter L, §2.268, Effective Date of Rules, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2555). The rule will not be republished.

This repeal removes existing rules that will be replaced with new rules in a separate rulemaking.

Rule 2.268, Effective Date of Rules, is repealed and new §2.269, Effective Date of Rules, is adopted in a separate rulemaking. The text of the adopted new rule will be the same as the repealed text.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The adopted repeal affects Texas Education Code, §130A.101.

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## CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS SUBCHAPTER B. TRANSFER OF CREDIT, CORE CURRICULUM AND FIELD OF STUDY CURRICULA

### 19 TAC §4.32

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 4, Subchapter B, §4.32, Field of Study Curriculum, without changes to the proposed text as published in the May 2, 2025, issue of the *Texas Register* (50 TexReg 2669). The rule will not be republished.

This amendment extends the opportunity for students completing certain Field of Study Curricula to complete their degree program and will allow time for updated Field of Study Curricula to be developed that are more in line with changes in each discipline. During its April 8, 2025, meeting, the Texas Transfer Advisory Committee voted to extend the expiration date for legacy Field of Study Curricula and recommended that the Coordinating Board establish faculty subcommittees for the Architecture, Engineering, and Music Field of Study Curricula.

The Texas Education Code, §61.821, authorizes the Coordinating Board to develop field of study curricula with the assistance of advisory committees composed of representatives of institutions of higher education. Texas Administrative Code, §4.33, authorizes the Texas Transfer Advisory Committee to review relevant data and courses, and recommend a schedule for development of the Field of Study Curricula.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.823, which provides the Coordinating Board with the authority to establish Field of Study Curricula.

The adopted amendment affects Texas Education Code, Section 61.823.

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 7. DEGREE GRANTING COLLEGES AND UNIVERSITIES OTHER THAN TEXAS PUBLIC INSTITUTIONS

### SUBCHAPTER B. APPROVAL FOR PARTIC- IPATION IN THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA) FOR PRIVATE OR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE POST- SECONDARY EDUCATIONAL INSTITUTIONS

#### 19 TAC §7.52, §7.57

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 7, Subchapter B, §7.52, Definitions, and §7.57, Out-of-state SARA Participants, with changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2556). The rules will be republished.

These amendments clarify the requirements for out-of-state students placed at practicum or clinical sites. This amendment limits the number of out-of-state students placed simultaneously at practicum or clinical sites to ten (10) students per academic program as specified in the SARA Policy Manual, paragraph 5.11. The amendment also clarifies that practicum and clinical sites include an entire facility, not offices, departments, etc. This revision does not reflect a substantive change to Coordinating Board rules, but is intended to provide greater clarity around existing limitations aligned to out-of-state institutions' SARA participation.

Texas Education Code, §61.05121 and §61.0512(1), authorize the Coordinating Board to administer state participation in State Authorization Reciprocity Agreements and to ensure the efficient and effective use of higher education resources.

Subsequent to the posting of the rules in the *Texas Register*, the following changes are incorporated into the adopted rules.

Paragraph §7.52(3), is amended to read, "Clinical or Practicum Site--A single physical location, such as a hospital, business, or school campus is considered the clinical or practicum site. Individual departments, offices, clinics, classrooms, or other sub-divisions within the location are not considered separate clinical or practicum sites."

Subsection §7.57(c), is amended to read, "SARA out-of-state participating institutions shall be limited to no more than ten (10) placements of students for an individual academic program placed simultaneously at one clinical or practicum site in a physical location."

The following comments were received regarding the adoption of the amendments.

Comment: The University of Phoenix (UOP) submitted a comment highlighting a concern regarding the description of "out-of-state" students placed at practicum or clinical sites. UOP points out that it is most likely Texas residents enrolled at out-of-state SARA participating institutions who are completing practicums or clinicals within Texas.

Response: The Coordinating Board has provided clarity to the language in the preamble in agreement with the concern raised, and has amended §7.57(c) per the recommendations of UOP: §7.57(c), Out-of-State SARA Participants, SARA out-of-state participating institutions shall be limited to no more than ten (10) placements of students for an individual academic program placed simultaneously at one clinical or practicum site in a physical location.

Comment: UOP proposed amending the definition of a clinical site in §7.52(3) to clarify that there may be multiple clinical sites with a single organization if the organization has multiple locations or campuses (such as a hospital system).

Response: The Coordinating Board agrees with the clarification and has amended the definition accordingly in the adopted rules.

The amendments are adopted under Texas Education Code, Section 61.05121, which authorizes the Coordinating Board to adopt rules relating to state participation in SARA.

The adopted amendment affects Texas Education Code, Section 61.05121.

#### *§7.52. Definitions.*

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

(1) Accredited--Holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education.

(2) Board or Coordinating Board--The Texas Higher Education Coordinating Board.

(3) Clinical or Practicum Site--A single physical location, such as a hospital, business, or school campus is considered the clinical or practicum site. Individual departments, offices, clinics, classrooms, or other sub-divisions within the location are not considered separate clinical or practicum sites.

(4) Commissioner--The Texas Commissioner of Higher Education.

(5) C-RAC Guidelines--Refers to the Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC).

(6) Distance Education--Instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.

(7) Home State--A member state where the institution holds its legal domicile. To operate under SARA an institution must have a single home state.

(8) Host State--A member state in which an institution operates under the terms of this agreement, other than the home state.

(9) Individual Academic Program--A specific course of study that leads to a distinct degree or certification, characterized by a

unique set of required courses, electives, and academic requirements tailored to a particular field or discipline.

- (10) Institution--A degree-granting postsecondary entity.
- (11) Member State--Any state, district or territory that has joined SARA.
- (12) NC SARA--National Council for State Authorization Reciprocity Agreements.
- (13) SARA--State Authorization Reciprocity Agreement is an agreement among its member states, districts and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs.
- (14) SREB--Southern Regional Education Board.

§7.57. Out-of-state SARA Participants.

- (a) The board shall serve as point of contact for all other State Authorization Reciprocity Agreement (SARA) states.
- (b) If a public, private or independent out-of-state SARA participant provides courses in Texas and is in apparent violation of the SARA agreement or with Texas Education Code or Administration Code, the board shall take appropriate action to terminate the institution's operation within Texas.
- (c) SARA out-of-state participating institutions shall be limited to no more than ten (10) placements of students for an individual academic program placed simultaneously at one clinical or practicum site in a physical location.

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CHAPTER 9. PROGRAM DEVELOPMENT IN  
PUBLIC TWO-YEAR COLLEGES  
SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§9.21 - 9.27, 9.30 - 9.32

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter B, §§9.21 - 9.27 and §§9.30 - 9.32, General Provisions, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2557). The rules will not be republished.

This repeal removes sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board adopts the repeal of Chapter 9, Subchapter B, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter B, to update the Texas Administrative Code by removing sections from the

Texas Administrative Code that are superseded by rules adopted by the Coordinating Board in July 2024.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Sections 51.308, 51.403(e), 51.911, 61.051, 61.053, 61.059, 61.060-61.063, 61.084, 130.001(b)(3)-(4), 130.003, 130.005, 130.0051, 130.008, 130.009, and 130.0105, which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for various functions relating to program development and the general operation of a public two-year college.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter B, §§9.21 - 9.27 and 9.30 - 9.32.

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 C. PURPOSE, ROLE, AND  
MISSION

19 TAC §§9.51 - 9.54

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter C, §§9.51- 9.54, Purpose, Role and Mission, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2558). The rules will not be republished.

The adopted repeal aligns administrative code with statute.

The Coordinating Board adopts the repeal of Chapter 9, Subchapter C, as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter C, because there is no statutory authority or bill requiring Coordinating Board oversight of public two-year college role and mission statements.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Sections 130.0011 and 130.003(e), which identify the role, mission, and purpose of public junior colleges, and 130.001, which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules for carrying out the duties with respect to public junior colleges.

The adopted repeal affects Texas Education Code, Sections 130.0011, 130.003(e), and 130.001.

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## SUBCHAPTER H. PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND PUBLIC TWO-YEAR COLLEGES

### 19 TAC §§9.141 - 9.144, 9.146, 9.147

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter H, §§9.141 - 9.144, 9.146, and 9.147, Partnerships Between Secondary Schools and Public Two-Year Colleges, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2559). The rules will not be republished.

This repeal removes sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board adopts the repeal of Chapter 9, Subchapter H, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter H, to update the Texas Administrative Code by removing section from the Texas Administrative Code that are superseded by rules approved by the Coordinating Board in July 2024.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Sections 29.182, 29.184, 61.076(a), 61.851 - 61.855, 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges to enter into agreements with secondary schools to offer courses which grant credit toward the student's high school academic requirements and/or college-level credit.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter H, §§9.141 - 9.144, 9.146, and 9.147.

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## CHAPTER 13. FINANCIAL PLANNING

### SUBCHAPTER A. DEFINITIONS

#### 19 TAC §13.1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter A, §13.1, Definitions, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2559). The rules will not be republished.

This amendment adds a definition for "class day" and correspondingly modifies the definition for "census date" to add greater specificity.

The Coordinating Board is authorized to adopt rules relating to tuition and fees by Texas Education Code, §54.075, and relating to the reporting of hours for the purpose of formula funding by Texas Education Code, §§130A.005, 54.014, 61.059(r), and 61.0595.

Rule 13.1, Definitions, is amended by modifying the definition of "census date" and adding a definition for "class day." The definition of "census date" is tied to "class day" to allow for emergent circumstances (e.g. natural disaster) that otherwise could affect the institution's ability to capture enrollment accurately. If, for example, an institution's classes are substantially disrupted or cancelled on a day leading up to the census date, that day would not meet the definition of "class day," and the census date would be shifted accordingly to the next class day. The definition of "census date" is further amended to eliminate references to the Coordinating Board Management (CBM) manual; rather, the same criteria for determining the census date in a given term are included in the rule directly via the figure in §13.1(5).

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules relating to tuition, and Sections 130A.005, 54.014, 61.059(r), and 61.0595, which provide the Coordinating Board with the authority to adopt rules relating to the reporting of hours for the purpose of formula funding.

The adopted amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter A.

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## SUBCHAPTER F. FORMULA FUNDING FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

## 19 TAC §13.101

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter F, §13.101, Authority, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2561). The rule will not be republished.

Separately from and concurrently with these amendments, the Coordinating Board adopts repeal of §13.108, Tuition Rate for Students, relocating the substance of that rule to a different location within Chapter 13. The below amendments to subchapter F are necessary to conform with that revision. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

First, this amendment retitles subchapter F to remove the reference to tuition charges. Specifically, the adopted amendment removes the phrase "and Tuition Charges" to reflect the removal of §13.108, which pertains to tuition charges, from subchapter F. The new title of the subchapter will then be "Formula Funding for Repeated and Excess Hours of Undergraduate Students."

In addition, the adopted amendment revises §13.101, Authority. Section 13.101 lists a number of statutes that relate to the underlying subject matter of subchapter F. The first sentence of §13.101 is a reference to Texas Education Code, §54.014, pertaining to the authority of institutions to charge a higher rate of tuition for repeated or excess hours. With the repeal of §13.108, this provision is no longer applicable to subchapter F and thus will be removed by this amendment.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

The adopted amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

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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Nichole Bunker-Henderson

General Counsel

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## 19 TAC §13.108

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 13, Subchapter F, §13.108, Tuition Rate for Students, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2562). The rule will not be republished.

This repeal allows for the rule's relocation to Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

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 G. TUITION AND FEES

### 19 TAC §§13.120, 13.121, 13.123 - 13.128

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter G, §§13.120, 13.121, and 13.123 - 13.128, Tuition and Fees, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2563). The rules will not be republished.

This new section consolidates existing rules relating to tuition and fees, adds greater specificity to rules relating to the collection of tuition and fees, and codifies the current practice relating to the calculation of the Reserve Officers' Training Corps (ROTC) program fee.

The purpose of this new subchapter is to establish procedures relating to the determination of various tuition rates; the collection, refunding, and reporting of tuition; and the administration of other tuition-related matters. The Coordinating Board is authorized by Texas Education Code, §54.075, to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

Rule 13.120, Authority and Purpose, establishes the general statutory authority (more specific references are made in subsequent sections, as needed) for the provisions of the subchapter and outlines the subchapter's purpose.

Rule 13.121, Definitions, establishes definitions for words and terms used throughout the subchapter. These definitions do not substantively deviate from their use elsewhere in Coordinating Board rules.

Rule 13.123, Collection of Tuition and Mandatory Fees, provides guidance to institutions regarding requirements for the collection

of tuition and mandatory fees from students. The rule is the reconstituted rule §21.4 with significant, substantive revisions.

Subsection (a) sets out the expectation that tuition and fees are paid in full by the census date, as required by Texas Education Code, §54.007, unless a student meets specific exceptions. Current §21.4 references formula funding, but §54.007 makes no reference to formula funding, so the reference has been removed.

Subsection (b) is not in the current §21.4. It captures the statutory allowance in Texas Education Code, §54.007(b-2), mirroring statute to acknowledge that there are times when a student might not have been paid in full by the census date. This allows for the fact that there are reasons why a student account might not be at a zero balance by the census date, while still being valid for formula funding reporting if that balance is cleared by the 20th class day.

Subsection (c) references the formula funding requirement, from General Appropriations Act, 88th Legislature, Rider 15 (III-288), to collect tuition and fees by the 20th class day. Much of the rule language mirrors the rider. The provisions of subsection (b) do not apply to subsection (c). Effectively, remaining balances that are allowable at the census date based on subsection (b) must be resolved by the 20th class day.

Subsection (d) is based upon Texas Education Code, §54.0071(d), regarding the Coordinating Board prescribing procedures for the administration of that section.

Subsection (e) is the reconstituted §21.4(a)(4) with no substantive changes, except that "contact hours" is replaced with "semester credit hours, or the equivalent." Subsections (f) and (g) are the reconstituted §21.4(a)(5) and (6), respectively, with no substantive changes.

Rule 13.124, Reporting of Tuition and Fees, details institutional reporting requirements to the Coordinating Board relating to tuition and fee data. Substantively, the section is the reconstituted §13.142, but the provisions of that section have been rewritten for clarity. The effect of the rule is unchanged.

Rule 13.125, Tuition Rate for Excess Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students who have exceeded the excess credit hour limit established in Texas Education Code, §54.014(a), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(a) and (c); the only substantive change was to align with statute by clarifying that institutions that charge a higher tuition rate under the section may adopt a hardship policy but are not obligated to do so.

Rule 13.126, Tuition Rate for Repeated Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students for repeated courses, as described in Texas Education Code, §54.014(f), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(b), (c), and (d), with only nonsubstantive revisions to provide greater detail regarding statutory authority, improve readability, and update citations. Texas Education Code, §54.014, authorizes the Coordinating Board to adopt rules relating to tuition rates for excess or repeated hours of undergraduate students.

Rule 13.127, Notice to Students Regarding Designated Tuition Set Aside for Financial Assistance, outlines institutional requirements to notify students regarding tuition set aside for financial aid purposes. The rule is the reconstituted Chapter 21, Sub-

chapter QQ, with nonsubstantive revisions to consolidate the subchapter into a single section. References to the "Commissioner" are replaced with "Coordinating Board" to align with practice. Texas Education Code, §56.014, authorizes the Coordinating Board to adopt rules relating to institutions' required notice regarding tuition set aside for financial assistance.

Rule 13.128, Reserve Officers' Training Corps (ROTC) Program Fee Calculation, outlines the methodology by which the Coordinating Board calculates, pursuant to Texas Education Code, §51.9112, a standard program fee for ROTC courses at institutions of higher education, as well as the circumstances under which an institution may exceed the fee. Subsection (d) details how the calculation is conducted, codifying current practice. There would be no change in how the ROTC program fee is determined as a result of the adoption of this rule. Texas Education Code, §51.9112, authorizes the Coordinating Board to adopt rules relating to the calculation of the ROTC program fee.

No comments were received regarding the adoption of the new rules.

The new section is adopted under Texas Education Code, Sections 51.9112, 54.014, 54.075, and 56.014, which provide the Coordinating Board with the authority to adopt rules relating to the ROTC program fee, tuition rates for excess or repeated undergraduate hours, tuition rates generally, and institutional notice regarding tuition set aside for financial assistance, respectively.

The adopted new section affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G.

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. REPORTING OF TUITION AND FEES

### 19 TAC §§13.140 - 13.143

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 13, Subchapter H, §§13.140 - 13.143, Reporting of Tuition and Fees, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2566). The rules will not be republished.

This repeal allows for the provisions of this subchapter to be relocated to Chapter 13, Subchapter G, Tuition and Fees. Texas Education Code, §54.075, authorizes the Coordinating Board to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

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 21. STUDENT SERVICES

### SUBCHAPTER A. GENERAL PROVISIONS

#### 19 TAC §21.4, §21.7

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 21, Subchapter A, §21.4 and §21.7, General Provisions, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2567). The rules will not be republished.

This repeal allows all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.075 to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21.

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## SUBCHAPTER QQ. PROVISIONS FOR NOTICE TO STUDENTS REGARDING TUITION SET ASIDE FOR FINANCIAL ASSISTANCE

#### 19 TAC §§21.2230 - 21.2232

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 21, Subchapter QQ, §§21.2230 - 21.2232, Provisions for Notice to Students Regarding Tuition Set Aside for Financial Assistance, without changes to the proposed text as published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2567). The rules will not be republished.

This repeal allows all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §56.014, to adopt rules to effectuate the provisions of that section.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 56.014, which provides the Coordinating Board with the authority to adopt rules to effectuate the provisions of that section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21.

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## CHAPTER 26. PROGRAMS OF STUDY

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107, Agriculture, Food and Natural Resources Programs of Study Advisory Committee; Subchapter B, §§26.121 - 26.127, Architecture and Construction Programs of Study Advisory Committee; Subchapter C, §§26.141 - 26.147, Arts, Audio/Visual Technology and Communications Programs of Study Advisory Committee; Subchapter D, §§26.161 - 26.167, Business Management and Administration Programs of Study Advisory Committee; Subchapter E, §§26.181 - 26.187, Education and Training Programs of Study Advisory Committee; Subchapter F, §§26.201 - 26.207, Finance Programs of Study Advisory Committee; Subchapter G, §§26.221 - 26.227, Government and Public Administration Programs of Study Advisory Committee; Subchapter H, §§26.241 - 26.247, Health Science Programs of Study Advisory Committee; Subchapter I, §§26.261 - 26.267, Hospitality and Tourism Programs of Study Advisory Committee; Subchapter J, §§26.281 - 26.287, Human Services Programs of Study Advisory Committee; Subchapter K, §§26.301 - 26.307, Information Technology Programs of Study Advisory Committee; Subchapter L, §§26.321 - 26.327, Law, Public Safety, Correc-

tions, and Security Programs of Study Advisory Committee; Subchapter M, §§26.341 - 26.347, Manufacturing Programs of Study Advisory Committee; Subchapter N, §§26.361 - 26.367, Marketing Programs of Study Advisory Committee; Subchapter O, §§26.381 - 26.387, Science, Technology, Engineering and Mathematics Programs of Study Advisory Committee; and Subchapter P, §§26.401 - 26.407, Transportation, Distribution, and Logistics Programs of Study Advisory Committee, without changes to the proposed text as published in the April 25, 2025 issue of the *Texas Register* (50 TexReg 2568). The rules will not be republished.

The repeal of Chapter 26 eliminates unnecessary rules governing programs of study advisory committees which were set to be abolished no later than January 1, 2020.

The Coordinating Board adopts the repeal of Chapter 26 as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 26, Subchapters A - P, because the programs of study advisory committees are non-operational, and the rules that govern these programs of study advisory committees should be repealed.

No comments were received regarding the adoption of the repeal.

## **SUBCHAPTER A. AGRICULTURE, FOOD AND NATURAL RESOURCES PROGRAMS OF STUDY ADVISORY COMMITTEE**

### **19 TAC §§26.101 - 26.107**

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107.

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 B. ARCHITECTURE AND CONSTRUCTION PROGRAMS OF STUDY ADVISORY COMMITTEE**

### **19 TAC §§26.121 - 26.127**

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter B, §§26.121- 26.127.

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## **SUBCHAPTER C. ARTS, AUDIO/VISUAL TECHNOLOGY AND COMMUNICATIONS PROGRAMS OF STUDY ADVISORY COMMITTEE**

### **19 TAC §§26.141 - 26.147**

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter C, §§26.141 - 26.147.

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. BUSINESS MANAGEMENT AND ADMINISTRATION PROGRAMS OF STUDY ADVISORY COMMITTEE**

### **19 TAC §§26.161 - 26.167**

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter D, §§26.161 - 26.167.

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## SUBCHAPTER E. EDUCATION AND TRAINING PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.181 - 26.187

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter E, §§26.181 - 26.187.

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 F. FINANCE PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.201 - 26.207

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter F, §§26.201 - 26.207.

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## SUBCHAPTER G. GOVERNMENT AND PUBLIC ADMINISTRATION PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.221 - 26.227

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter G, §§26.221 - 26.227.

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## SUBCHAPTER H. HEALTH SCIENCE PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.241 - 26.247

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter H, §§26.241 - 26.247.

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## SUBCHAPTER I. HOSPITALITY AND TOURISM PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.261 - 26.267

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter I, §§26.261 - 26.267.

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## SUBCHAPTER J. HUMAN SERVICES PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.281 - 26.287

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter J, §§26.281 - 26.287.

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## SUBCHAPTER K. INFORMATION TECHNOLOGY PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.301 - 26.307

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter K, §§26.301 - 26.307.

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## SUBCHAPTER L. LAW, PUBLIC SAFETY, CORRECTIONS, AND SECURITY PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.321 - 26.327

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter L, §§26.321 - 26.327.

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## SUBCHAPTER M. MANUFACTURING PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.341 - 26.347

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter M, §§26.341 - 26.347.

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## SUBCHAPTER N. MARKETING PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.361 - 26.367

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter N, §§26.361 - 26.367.

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## SUBCHAPTER O. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.381 - 26.387

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter O, §§26.381 - 26.387.

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 P. TRANSPORTATION, DISTRIBUTION, AND LOGISTICS PROGRAMS OF STUDY ADVISORY COMMITTEE

### 19 TAC §§26.401 - 26.407

The repeal is adopted under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter P, §§26.401 - 26.407.

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## PART 2. TEXAS EDUCATION AGENCY

### CHAPTER 149. COMMISSIONER'S RULES CONCERNING EDUCATOR STANDARDS

The Texas Education Agency adopts the repeal of §149.1001 and new §149.1001, concerning teacher standards. The repeal of §149.1001 is adopted without changes to the proposed text as published in the March 7, 2025 issue of the *Texas Register* (50 TexReg 1754) and will not be republished. New §149.1001 is adopted with changes to the proposed text as published in the March 7, 2025 issue of the *Texas Register* (50 TexReg 1754) and will be republished. The adopted repeal and new rule reflect alignment with recent updates to State Board for Educator Certification (SBEC) rules in 19 TAC Chapter 235, Subchapters A-D, as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

**REASONED JUSTIFICATION:** Section 149.1001 identifies the performance standards to be used to inform the training, appraisal, and professional development of Early Childhood-Grade 12 pre-service and in-service teachers in Texas.

The adopted repeal of and new §149.1001 aligns with recent updates to SBEC rules in 19 TAC Chapter 235, Subchapters A-D, as required by HB 1605.

The adopted repeal of and new §149.1001 reflects a reorganization of the teacher standards and also includes definitions that provide clarity for educators and promote a common understanding of terms used within the updated teacher standards.

The standards included in adopted new §149.1001 outline the necessary knowledge and skills related to instructional preparation, instructional delivery and assessment, content pedagogy for all teachers and for teachers leading English language arts and reading and math classes, learning environments, and professional practices and responsibilities.

Based on public comments regarding the need for these standards to be closer aligned to recently revised 19 TAC §235.2 and §235.21, modifications have been made at adoption throughout the rule to ensure language in §149.1001 reflects the language in §235.2 and §235.21.

Based on public comment related to the implementation of new §149.1001, subsection (d) was added at adoption to specify that new §149.1001 will be implemented beginning with teacher evaluations conducted after the next update of 19 TAC Chapter 150, Commissioner's Rules Concerning Educator Appraisal, and that evaluations conducted before that time are subject to the requirements as they existed prior to August 17, 2025.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began March 7, 2025, and ended April 7, 2025. Following is a summary of public comments received and agency responses.

**Comment:** An educator commended efforts to incorporate research-based practices and modernize instruction in the proposed revisions but expressed concern that the proposal poses several issues that undermine teacher autonomy, devalue traditional literacy practices, overload educators with unrealistic expectations, and ignore the critical need for sustainable workload management.

**Response:** The agency disagrees and provides the following clarification. The standards implement three key pieces of legislation related to the training requirements for certified teachers in Texas. They outline the knowledge and skills necessary to demonstrate proficient use of open educational resource instructional materials (HB 1605), skilled application of instructional strategies to educate all students (HB 159, 87 Texas Legislature, Regular Session, 2021), and an understanding of best instructional practices in digital literacy (Senate Bill 226, 87 Texas Legislature, Regular Session, 2021).

**Comment:** An educator expressed concern with the current school calendar and proposed a trimester model that supports a 4-day week to ensure educators and students receive adequate time for planning, rest, and recuperation.

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

**Comment:** The Texas State Teachers Association (TSTA), Texas American Federation of Teachers (Texas AFT), and Texas Coalition for Educator Preparation (TCEP) expressed support for the revised teacher pedagogy standards in 19 TAC Chapter 235 and noted the need for these standards to remain tightly aligned to commissioner's rules so that expectations of teachers are clear and actionable.

**Response:** The agency agrees with the need for the proposed standards to align with Chapter 235 to promote clear expectations throughout a teacher's professional journey from pre-service to in-service. Modifications have been made at adoption to ensure language in new §149.1001 mirrors language in §235.2 and §235.21.

**Comment:** Texas AFT and TCEP suggested the agency more explicitly state in new §149.1001(a) the intent of this repeal and replacement of these standards and their connection to the appraisal and professional development rules and processes.

**Response:** The agency agrees. The existing language states that these performance standards should be "used to inform the preparation, appraisal, and professional development" of teachers, and subsection (d) was added at adoption to specify that new §149.1001 will be implemented beginning with teacher evaluations conducted after the next update of 19 TAC Chapter 150, Commissioner's Rules Concerning Educator Appraisal, and that evaluations conducted before that time are subject to the requirements as they existed prior to August 17, 2025.

**Comment:** Texas AFT and TCEP requested clarification regarding the accountability for math and English language arts (ELA) content standards found in §149.1001(c)(3)(C) and (D), as related to assignments in non-math and ELA courses.

**Response:** The agency disagrees that additional clarification is needed. Subsection §149.1001(c)(3) states that teachers must "show a full understanding of their content and related pedagogy."

**Comment:** TSTA commented that teacher standards should not be narrowly aligned to the use of high quality instructional materials (HQIM) or open education resources and should make space for teachers to develop instructional materials to best meet the unique needs of students.

**Response:** The agency disagrees that the standards are narrowly aligned to the use of HQIM or open education resources and do not make space for teachers to develop instructional materials to meet student needs. Subsection §149.1001(c)(1) states that teachers must "prepare for instructional delivery by designing lessons, evaluating materials, leveraging their knowledge of students, and engaging in a thorough process for lesson internalization."

**Comment:** TSTA inquired if the new Domain I found in 19 TAC Chapter 150 will assess instructional preparation and support the fair evaluation of an educator when development of instructional materials and initial lesson design is best for students.

**Response:** This comment is outside the scope of the current rule proposal.

## **SUBCHAPTER AA. TEACHER STANDARDS**

### **19 TAC §149.1001**

**STATUTORY AUTHORITY.** The repeal is adopted under Texas Education Code, §21.351, which authorizes the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers.

**CROSS REFERENCE TO STATUTE.** The repeal implements Texas Education Code, §21.351.

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 28, 2025.

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Director, Rulemaking

Texas Education Agency

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## 19 TAC §149.1001

**STATUTORY AUTHORITY.** The new section is adopted under Texas Education Code, §21.351, which authorizes the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers.

**CROSS REFERENCE TO STATUTE.** The new section implements Texas Education Code, §21.351.

*§149.1001. Teacher Standards.*

(a) Purpose. The standards identified in this section are performance standards used to inform the preparation, appraisal, and professional development of Early Childhood-Grade 12 pre-service and in-service teachers in Texas. The standards:

(1) emphasize the knowledge and skills required for teachers to select, evaluate, internalize, and implement high-quality instructional materials;

(2) assume that practicing teachers are aware of Open Educational Resource (OER) instructional materials, customize materials as directed by their district, and engage in initial lesson plan design when directed by their district;

(3) describe the knowledge and skills required for teachers to prepare, deliver, and assess instruction that results in positive outcomes for all students;

(4) describe the knowledge and skills required for teachers to build positive relationships with and among students in a safe and productive learning environment;

(5) reflect research- and evidence-based practices that ensure all students are held to rigorous grade-level academic and nonacademic standards; and

(6) define a teacher's role as a professional, ethical, and reflective practitioner.

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

(1) Academic language--the oral, written, auditory, and visual language specific to a discipline. It includes vocabulary, grammar, punctuation, syntax, discipline-specific terminology, and rhetorical conventions that allow students to acquire knowledge and academic skills.

(2) Accelerated instruction--includes aligned research-driven strategies and supports within a multi-tiered instructional model that helps students make more than one year of growth in one year of time.

(3) Complex text--texts that provide students opportunities to work with new language, knowledge, and ways of thinking. Text complexity is evaluated along quantitative dimensions such as word and sentence length; qualitative dimensions such as text structure, lev-

els of meaning, and language conventions; and considerations including the reader's background, motivation, and knowledge of the topic.

(4) Deliberate practice--practice that is systematic, requires sustained attention, and is conducted with the specific goal of improving performance on targeted skills.

(5) Encoding--the process by which information is initially coded to be stored and retrieved. Encoding requires attention to key concepts and knowledge structures and is aided by reducing extraneous cognitive load or information in the learning environment.

(6) Engagement--a state in which students are cognitively and behaviorally connected to and involved in their learning experience, characterized by participation, curiosity, and perseverance.

(7) Evidence-based--a concept or strategy that has been evaluated as a whole and found to have positive effects when implemented with programmatic fidelity.

(8) Explanatory feedback--feedback that provides the learner with an explanation of strengths and weaknesses related to the learning activity or assignment.

(9) Explicit instruction--instruction in which the teacher's actions are clear, unambiguous, direct, and visible. Explicit instruction makes it clear what the students are to do and learn.

(10) Fixed personality traits--the misconception that personality traits become fixed at certain stages of an individual's development and do not change over time.

(11) Formative assessment--A deliberate low- or no-stakes process used by teachers during instruction to elicit and use evidence of student learning to provide actionable feedback and improve students' attainment of learning targets.

(12) Hemispheric dominance--the misconception that each brain hemisphere is specialized to process information differently and that the dominant hemisphere determines a person's personality and way of thinking.

(13) High-quality instructional materials--instructional materials, approved by the State Board of Education (SBOE), that ensure full coverage of Texas Essential Knowledge and Skills (TEKS); are aligned to evidence-based best practices in the relevant content areas; support all learners, including students with disabilities, emergent bilingual students, and students identified as gifted and talented; enable frequent progress monitoring through embedded and aligned assessments; include implementation supports for teachers; and provide teacher- and student-facing lesson-level materials.

(14) Instructional preparation--describes the process by which a teacher uses knowledge of students and student learning to prepare instructional delivery to a unique group of students. Instructional preparation may include activities such as lesson plan design, evaluation of instructional materials, and lesson internalization.

(15) Interleaving--an instructional technique that arranges practice of topics in such a way that consecutive problems cannot be solved by the same strategy.

(16) Just-in-time supports--a learning acceleration strategy that integrates small, timely supports to address gaps in the most critical prerequisite knowledge and skills that students will need to access grade- or course-level content in upcoming units.

(17) Learning styles--the disproven theory that identifies learners by type (visual, auditory, reading and writing, and kinesthetic) and adapts instruction to the individual's learning style.

(18) Lesson plan design--describes the process by which a teacher creates the planned learning experiences and related instructional materials for a topic. Lesson plan design includes activities such as developing or selecting objectives, learning experiences, sequencing, scaffolds, resources, materials, tasks, assessments, and planned instructional practices.

(19) Lesson internalization--an aspect of instructional preparation specific to teaching a lesson or unit. It includes activities such as evaluating sequencing, learning goals, and expected outcomes; using assessment data to identify prior knowledge; studying lesson content; rehearsing lesson delivery; identifying possible misconceptions; as well as planning instructional strategies, materials, and pacing.

(20) Metacognition--the awareness of how one's mind learns and thinks and the use of that awareness to optimize the efficiency of learning and cognition.

(21) Multiple means of engagement--a range of options provided to engage and motivate students in learning.

(22) Multiple means of representation--a range of options provided in the ways that information is presented to students.

(23) Multiple means of action and expression--a range of options provided in the ways that students express or demonstrate their learning.

(24) Open education resource instructional materials --state-developed materials included on the list of approved instructional materials maintained by the SBOE under Texas Education Code (TEC), §31.022, where the underlying intellectual property is either owned by the state of Texas or can be freely used and modified by the state in perpetuity.

(25) Patterns of student thinking--common patterns in the ways in which students think about and develop understanding and skill in relation to particular topics and problems.

(26) Productive struggle--expending effort to understand a challenging situation and determine a course of action when no obvious strategy is stated and receiving support that encourages persistence without removing the challenge.

(27) Recall--also referred to as "retrieval," the mental process of retrieving information that was previously encoded and stored in long-term memory.

(28) Remediation--strategies that focus on the drilling of isolated skills that bear little resemblance to current curriculum. Activities connect to past standards and aim to master content from past years.

(29) Research-based--a concept or strategy with positive findings from studies effective in isolation or combination with other researched strategies or evidence-based programs.

(30) Retrieval practice--also referred to as "testing effect" or "active recall," it is the finding that trying to remember previously learned material, including by responding to questions, tests, assessments, etc., leads to better retention than restudying or being retold the material for an equivalent amount of time.

(31) Science of learning--the summarized existing cognitive-science, cognitive psychology, educational psychology, and neuroscience research on how people learn, as it connects to practical implications for teaching.

(32) Second language acquisition--the process through which individuals leverage their primary language to learn a new

language. A dynamic process of learning and acquiring proficiency in the English language, supported by exposure to comprehensible input, interaction, formal instruction, and access to resources and support in English and primary language.

(33) Spaced practice/Distributed practice--spaced practice sequences learning in a way that students actively retrieve learned information from long-term memory through multiple opportunities over time with intervals in between--starting with shorter intervals initially (e.g., hours or days) and building up to longer intervals (e.g., weeks).

(34) State Board of Education-approved instructional materials--materials included on the list of approved instructional materials maintained by the State Board of Education under TEC, §31.022.

(35) Summative assessment--medium- to high-stakes assessments, administered at the conclusion of an instructional period that are used to evaluate student learning, knowledge, proficiency, or mastery of a learning target.

(c) Standards.

(1) Standard 1--Instructional Preparation. Teachers understand how students learn, and they prepare for instructional delivery by designing lessons, evaluating instructional materials, leveraging their knowledge of students, and engaging in a thorough process for lesson internalization.

(A) Teachers apply basic principles of lesson plan design from the learning sciences to prepare for instruction.

(i) Teachers understand learning as an active and social process of meaning-making that results in changes in student knowledge and behavior based on connections between past and new experiences.

(ii) Teachers prepare instruction that uses research and evidence-based teaching strategies for eliciting and sustaining attention and motivation and supporting encoding, such as use of multimedia learning principles, reduction of extraneous cognitive load, use of worked examples, interleaving, and deep integration of new experiences with prior knowledge.

(iii) Teachers prepare instruction that uses research and evidence-based strategies for memory and recall such as interleaving, spacing, retrieval practice, and metacognition.

(iv) Teachers recognize misconceptions about learning, the brain, and child and adolescent development, including myths such as learning styles, personality traits, and hemispheric dominance, and avoid unsupported instructional practices based on these misunderstandings.

(B) Teachers evaluate instructional materials and select or customize the highest quality district-approved option to prepare for instruction.

(i) Teachers identify the components of high-quality instructional materials, such as a logical scope and sequence, clear learning objectives, grade- or course-level content, explicit instruction, student engagement, academic language, deliberate practice, and assessment, appropriate to the discipline.

(ii) Teachers identify the benefits of using high-quality instructional materials.

(iii) Teachers apply knowledge of the components of high-quality instructional materials to select or customize materials when appropriate.

(iv) Teachers analyze instructional materials and digital resources to ensure quality, rigor, and access to grade- or course-level content.

(v) Teachers use high-quality materials to plan instruction that connects students' prior understanding and real-world experiences to new content and contexts.

(C) Teachers understand initial lesson plan design and, when district-approved materials are not available and when directed by their district, engage in initial lesson plan design using science of learning concepts.

(i) Teachers design lessons based on the components of high-quality instructional materials, such as a logical scope and sequence, clear learning objectives, application of explicit instruction, and grade- or course-level content.

(ii) Teachers design lessons that effectively connect learning objectives with explicit instruction, student engagement, academic language, deliberate practice, and assessment.

(iii) Teachers design lessons that connect students' prior understanding and real-world experiences to new content and contexts.

(iv) Teachers plan for the use of digital tools and resources to engage students in active deep learning.

(D) Teachers ensure lesson sequence and materials meet the needs of all learners and adapt methods when appropriate.

(i) Teachers plan for the use of multiple means to engage students, varied ways of representing information, and options for students to demonstrate their learning.

(ii) Teachers leverage student data to prepare flexible student groups that facilitate learning for all students.

(iii) Teachers differentiate instruction and align methods and techniques to diverse student needs, including acceleration, just-in-time supports, technology, intervention, linguistic supports, appropriate scaffolding, and implementation of individualized education programs.

(E) Teachers recognize students' backgrounds (familial, educational, linguistic, and developmental) as assets and apply knowledge of students to engage them in meaningful learning.

(i) Teachers plan to present information in a meaningful way that activates or provides any prerequisite knowledge to maximize student learning.

(ii) Teachers collaborate with other professionals, use resources, and plan research- and evidence-based instructional strategies to anticipate and respond to the unique needs of students, including disabilities, giftedness, bilingualism, and biliteracy.

(iii) Teachers plan instructional practices and strategies that support language acquisition so that language is comprehensible and instruction is fully accessible.

(iv) Teachers apply knowledge of how each category of disability under the Individuals with Disabilities Act (20 U.S.C. §1400, et seq.) or Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) can affect student learning and development.

(F) Teachers engage in a thorough process of lesson internalization to prepare well-organized, sequential instruction that builds on students' prior knowledge.

(i) Teachers identify how the intentional sequencing of units, lessons, and learning tasks supports student knowledge and mastery throughout the year.

(ii) Teachers identify how the learning goals of units and lessons are aligned to state standards.

(iii) Teachers use assessment data to identify prior knowledge and plan for the learning needs of students.

(iv) Teachers internalize lesson content by reading the texts, completing learning tasks and assessments, rehearsing lesson delivery, and identifying any personal gaps in understanding.

(v) Teachers plan for pacing, use of teacher resources, and transitions between activities.

(vi) Teachers create or analyze and customize exemplar responses and anticipate potential barriers to learning.

(vii) Teachers strategically plan instructional strategies, formative assessments, technology, scaffolds, and enrichment to make learning accessible to all students.

(2) Standard 2--Instructional Delivery and Assessment. Teachers intentionally apply their knowledge of students and the learning process to implement high-quality instruction and assessment practices that are research- and evidence-based and informed by student work.

(A) Teachers deliver research- and evidence-based instruction to meet the needs of all learners and adapt methods when appropriate.

(i) Teachers effectively communicate grade- or course-level expectations, objectives, and goals to help all students reach high levels of achievement.

(ii) Teachers apply research- and evidence-based teaching strategies for eliciting and sustaining attention and motivation and supporting memory encoding and recall, such as interleaving, spacing, metacognition, and distributed practice.

(iii) Teachers ensure a high degree of student engagement through explicit instruction, student discussion, feedback, and opportunities for deliberate practice.

(iv) Teachers apply research- and evidence-based teaching strategies that connect students' prior understanding and real-world experiences to new content and contexts and invite student perspectives.

(v) Teachers implement appropriate scaffolds in response to student needs.

(vi) Teachers strategically implement tools, technology, and procedures that lead to increased participation from all students, elicit patterns of student thinking, and highlight varied responses.

(vii) Teachers provide multiple means of engagement to encourage all students to remain persistent in the face of challenges.

(viii) Teachers collaborate with other educational professionals, when appropriate, to deliver instruction that addresses students' academic and non-academic needs.

(B) Teachers scaffold instruction, from initial knowledge and skill development through automaticity, toward complex, higher-order thinking, providing opportunities for deeper learning.

(i) Teachers set high expectations and facilitate rigorous grade- or course-level learning experiences for all students that encourage them to apply disciplinary and cross-disciplinary knowledge to real-world problems.

(ii) Teachers apply instructional strategies to deliberately engage all students in critical thinking and problem solving.

(iii) Teachers validate student responses utilizing them to advance learning for all students.

(iv) Teachers respond to student errors and misconceptions with prompts or questions that build new understanding on prior knowledge.

(v) Teachers use strategic questioning to build and deepen student understanding.

(vi) Teachers strategically incorporate technology that removes barriers and allows students to interact with the curriculum in more authentic, significant, and effective ways.

(C) Teachers consistently check for understanding, give feedback, and make lesson adjustments as necessary.

(i) Teachers use a variety of formative assessments during instruction to gauge and respond to student progress and address misconceptions.

(ii) Teachers implement frequent or low- or no-stakes assessments to promote retrieval of learned information.

(iii) Teachers continually monitor and assess students' progress to guide instructional outcomes and determine next steps to ensure student mastery of grade- or course-level content.

(iv) Teachers build student capacity to self-monitor their progress.

(v) Teachers provide frequent, timely, and specific explanatory feedback that emphasizes effort, improvement, and acknowledges students' strengths and areas for growth.

(vi) Teachers strategically implement instructional strategies, formative assessments, scaffolds, and enrichment to make learning accessible to all students.

(vii) Teachers set goals for each student in response to previous outcomes from formative and summative assessments.

(viii) Teachers involve all students in self-assessment, goal setting, and monitoring progress.

(D) Teachers implement formative and summative methods of measuring and monitoring student progress through the regular collection, review, and analysis of data.

(i) Teachers regularly review and analyze student work, individually and collaboratively, to understand students' thinking, identify strengths and progress toward mastery, and identify gaps in knowledge.

(ii) Teachers combine results from different measures to develop a holistic picture of students' strengths and learning needs.

(iii) Teachers apply multiple means of assessing learning, including the use of digital tools, to accommodate according to students' learning needs, linguistic differences, and/or varying levels of background knowledge.

(iv) Teachers use assessment results to inform and adjust instruction and intervention.

(v) Teachers clearly communicate the results of assessments with students, including setting goals, identifying areas of strength and opportunities for improvement.

(3) Standard--Content Pedagogy Knowledge and Skills. Teachers show a full understanding of their content and related pedagogy and the appropriate grade-level TEKS.

(A) Teachers understand the major concepts, key themes, multiple perspectives, assumptions, processes of inquiry, structure, and real-world applications of their grade-level and subject-area content.

(i) Teachers demonstrate a thorough understanding of and competence in the use of open education resource instructional materials when available for the grade level and subject area.

(ii) Teachers have expertise in how their content vertically and horizontally aligns with the grade-level/subject-area continuum, leading to an integrated curriculum across grade levels and content areas.

(iii) Teachers identify gaps in students' knowledge of subject matter and communicate with their leaders and colleagues to ensure that these gaps are adequately addressed across grade levels and subject areas.

(iv) Teachers deliberately and regularly share multiple different examples of student representations and resolutions.

(v) Teachers stay current with developments, new content, new approaches, and changing methods of instructional delivery within their discipline.

(B) Teachers demonstrate content-specific pedagogy that meets the needs of diverse learners, utilizing engaging instructional materials to connect prior content knowledge to new learning.

(i) Teachers teach both the key content knowledge and the key skills of the discipline and requisite linguistic skills making the information accessible to all learners by constructing it into usable knowledge.

(ii) Teachers make appropriate and authentic connections across disciplines, subjects, and students' real-world experiences to build knowledge from year to year.

(iii) Teachers provide multiple means of representation and engagement to promote literacy and ensure discipline-specific academic language is accessible for all students.

(iv) Teachers explicitly teach, encourage, and reinforce the use of academic language, including vocabulary, use of symbols, and labeling.

(v) Teachers prepare for and apply scaffolds in the lesson to make content accessible to all students, including diverse learners such as emergent bilingual students, students with disabilities, and students working above and below grade level.

(vi) Teachers engage students in productive struggle by allowing them time to work, asking questions to deepen their thinking, encouraging multiple approaches, praising effort on successful and unsuccessful attempts, and contrasting student attempts and correct solutions.

(C) Teachers demonstrate research- and evidence-based best practices specific to planning, instruction, and assessment of mathematics.

(i) Teachers communicate, using multiple means of representation, the relationship between mathematical concepts and mathematical procedures.

(ii) Teachers engage students in recursive lesson activities that reinforce automaticity in prerequisite knowledge and skills to mitigate the use of working memory when engaging those knowledge and skills as task complexity increases.

(iii) Teachers use multiple means of representation to engage students in mathematical tasks that deepen students' understanding of conceptual understanding, procedural fluency, and mathematical reasoning.

(iv) Teachers prepare and deliver instruction and questioning to deliberately solicit different explanations, representations, solutions, and reasoning from all students.

(v) Teachers prepare and deliver explicit instruction and modeling that links grade-level conceptual understanding with mathematical procedures and avoids shortcuts to problem solving.

(vi) Teachers analyze instructional plans to ensure an appropriate balance between conceptual understanding and procedural fluency.

(vii) Teachers facilitate discourse through regular opportunities for students to communicate the relationship between mathematical concepts and mathematical procedures.

(viii) Teachers provide time for students to collaboratively and independently apply conceptual understanding and procedural fluency to problem-solving.

(ix) Teachers communicate and model the connections between mathematics and other fields that use mathematics to problem solve, make decisions, and incorporate real-world applications in instruction.

(x) Teachers explicitly teach and model that math abilities are expandable and improvable.

(D) Teachers demonstrate research- and evidence-based best practices specific to planning, instruction, and assessment of language arts and reading.

(i) Teachers analyze instructional materials in preparation for instruction to ensure they provide grade-level appropriate, systematic, and explicit practice in foundational literacy skills.

(ii) Teachers analyze instructional materials in preparation for instruction to ensure that foundational literacy skills are reached at each grade or course level.

(iii) Teachers implement clear and explicit reading instruction aligned to the Science of Teaching Reading competencies and engage students in deliberate practice to make meaning from text.

(iv) Teachers identify and analyze grade- or course-level and complex texts for quality in preparation for instruction.

(v) Teachers prepare and deliver explicit reading instruction that uses grade-level and complex texts to build student knowledge.

(vi) Teachers strategically plan and implement supports such as read-aloud and questioning at varied levels of complexity to support comprehension of high-quality complex texts.

(vii) Teachers engage students in writing practice, including text-based writing that builds comprehension and higher-order thinking skills.

(viii) Teachers engage students in speaking practice that builds comprehension, language acquisition, and higher-order thinking skills.

(ix) Teachers use high-quality assessments to monitor grade-level appropriate foundational skills development.

(x) Teachers implement and analyze a variety of high-quality literacy assessments to monitor grade-level appropriate comprehension and identify gaps.

(xi) Teachers apply just-in-time supports and intervention on prerequisite skills and continually monitor to determine the need for additional learning support.

(4) Standard 4--Learning Environment. Teachers maintain a safe and supportive learning environment that is characterized by respectful interactions with students, consistent routines, high expectations, and the development of students' self-regulation skills.

(A) Teachers establish, implement, and communicate consistent routines for effective classroom management, including clear expectations for student behavior and positive interventions, that maintain a productive learning environment for all students.

(i) Teachers arrange their classrooms and virtual learning spaces in an organized way that is safe, flexible, and accessible to maximize learning that accommodates all students' learning and physical needs.

(ii) Teachers implement consistent classroom and behavior management systems to maintain an environment where all students are engaged and can reach academic and nonacademic goals.

(iii) Teachers model and provide explicit instruction on effective behavior regulation skills to build students' resilience and self-discipline.

(iv) Teachers maintain a safe and positive culture of student ownership and group accountability that fosters engagement by all students in the classroom expectations, culture, and norms.

(B) Teachers lead and maintain classroom environments in which students are motivated and cognitively engaged in learning.

(i) Teachers maintain a classroom environment that is based on high expectations and student self-efficacy.

(ii) Teachers strategically use instructional time, including transitions, to maximize learning.

(iii) Teachers manage and facilitate strategic and flexible groupings to maximize student learning.

(5) Standard 5--Professional Practices and Responsibilities. Teachers are self-aware and consistently hold themselves to a high standard for individual development. They collaborate with other educational professionals; communicate regularly with stakeholders; maintain professional relationships; comply with federal, state, and local laws; and conduct themselves ethically and with integrity.

(A) Teachers model ethical and respectful behavior and demonstrate integrity in all settings and situations.

(i) Teachers understand and comply with applicable federal, state, and local laws pertaining to the professional behaviors and responsibilities of educators.

(ii) Teachers adhere to the Educators' Code of Ethics in §247.2 of this title (relating to Code of Ethics and Standard Practices for Texas Educators), including following policies and procedures at their specific school placement(s).

(iii) Teachers demonstrate understanding of their role in strengthening American democracy and are willing to support and defend the constitutions of the United States and Texas.

(iv) Teachers advocate for and apply knowledge of students' progress and learning plans through the maintenance of thorough and accurate records.

(v) Teachers model and promote for students the use of safe, ethical, and legal practices with digital tools and technology.

(B) Teachers actively self-reflect on their practice and collaborate with other educational professionals to deepen knowledge, demonstrate leadership, and improve their instructional effectiveness.

(i) Teachers apply consistent reflective practices, analysis of student work, and video evidence of teaching to identify and communicate professional learning needs.

(ii) Teachers seek and apply job-embedded feedback from colleagues, including supervisors, mentors, coaches, and peers.

(iii) Teachers establish and strive to achieve professional goals to strengthen their instructional effectiveness and better meet students' needs.

(iv) Teachers engage in relevant professional learning opportunities that align with their growth goals and student learning needs.

(v) Teachers seek to lead other adults on campus through professional learning communities, grade- or subject-level team leadership, committee membership, or other opportunities.

(vi) Teachers collaborate with educational professionals to ensure learning is accessible and enables all students to reach their academic and non-academic goals.

(C) Teachers communicate consistently, clearly, and respectfully with all community stakeholders, including students, parents and families, colleagues, administrators, and staff.

(i) Teachers clearly communicate the mission, vision, and goals of the school to students, colleagues, parents and families, and other community members.

(ii) Teachers communicate regularly, clearly, and appropriately with families about student progress, providing detailed and constructive feedback in a language that is accessible to families to support students' developmental and learning goals.

(iii) Teachers build mutual understanding of expectations with students, parents, and families through clear, respectful, and consistent communication methods.

(iv) Teachers communicate with students and families regularly about the importance of collecting data and monitoring progress of student outcomes, sharing timely and comprehensible feedback so they understand students' goals and progress.

(d) This section will be implemented beginning with teacher evaluations conducted after the next update of Chapter 150 of this title (relating to Commissioner's Rules Concerning Educator Appraisal). Evaluations conducted before that time are subject to the requirements of this section as it existed prior to August 17, 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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## TITLE 26. HEALTH AND HUMAN SERVICES

### PART 1. HEALTH AND HUMAN SERVICES COMMISSION

#### CHAPTER 745. LICENSING

##### SUBCHAPTER M. ADMINISTRATIVE REVIEWS AND DUE PROCESS HEARINGS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §745.8801, concerning Introduction; §745.8803, concerning Administrative Review Requestors; §745.8805, concerning How to Request an Administrative Review; §745.8807, concerning Waiving the Right to an Administrative Review; §745.8809, concerning Administrative Review Conductors; §745.8811, concerning Conducting an Administrative Review; §745.8813, concerning Administrative Review Decisions and Actions; §745.8815, concerning Timeframe for Administrative Review Decisions; §745.8835, concerning Who may request a due process hearing; and new §745.8802, concerning Requesting Records for an Administrative Review.

Sections 745.8801, 745.8805, and 745.8813 are adopted with changes to the proposed text as published in the February 14, 2025, issue of the *Texas Register* (50 TexReg 816). These rules will be republished.

Sections 745.8803, 745.8807, 745.8809, 745.8811, 745.8815, and 745.8835 are adopted without changes to the proposed text as published in the February 14, 2025, issue of the *Texas Register* (50 TexReg 816). Section 745.8802 is withdrawn. These rules will not be republished.

##### BACKGROUND AND JUSTIFICATION

The amendments and new section are necessary to update Texas Administrative Code (TAC), Title 26, Part 1, Chapter 745, Licensing, as it relates to administrative reviews and due process hearings. The rule adoption establishes guidelines regarding records that an operation or individual requests in relation to an administrative review, including the records that are relevant to different administrative review subjects and the effect of a records request on when a review may occur. The rule adoption addresses the ability to request an administrative review related to a waiver or variance decision that matches the language in 26 TAC Chapter 745, Subchapter J, Waivers and Variances for Minimum Standards. The rule adoption also clarifies a person's inability to request an administrative review or due process hearing related to certain subjects and amends certain rule titles from the question format.

##### COMMENTS

The 31-day comment period ended March 17, 2025.

During this period, HHSC received comments regarding the proposed rules from five commenters. HHSC received comments from Texas Alliance of Child and Family Services, Texas Kinder Prep, Tiger-Rock Portland, Wonderland Montessori, and Epiphany Soul. A summary of comments relating to the rules and the response from HHSC follows.

**Comment:** Based on the proposed language in §745.8801, a commenter expressed concern that if there is a lack of clarity regarding what constitutes an administrative review, or the specific grounds upon which a review can be requested, unequal application or arbitrary enforcement could result in a violation of due process.

**Response:** HHSC disagrees with this comment. The proposed rules at §745.8801 and Figure §745.8801(b) make clear that an administrative review (AR) can be requested to determine whether a decision or action was appropriate under applicable law and rules and defines the scope of the AR for each decision or action that is subject to AR. The proposed rules also make clear that the requestor may present evidence and arguments at the AR to dispute the decision or action.

**Comment:** Based on the proposed language in §745.8803, the commenter expressed concerns that "proposed changes" could limit who may request an administrative review "in an unclear or overly restrictive manner" in violation of due process, especially if stakeholders were prevented from appealing decisions that affect their ability to operate.

**Response:** HHSC disagrees with this comment. No amendments change who may request an administrative review. An administrative review of a decision that impacts the ability to operate can be requested by the applicant, owner, partner, governing body, director, licensed administrator, or designee—all stakeholders who are responsible for the management of the child care operation. A person who is designated as a controlling person and a person who is determined to pose an immediate threat to the health and safety of children may also request an administrative review.

**Comment:** Based on the proposed language in §745.8807, the commenter expressed concerns that if the amendments include implications that individuals can waive their right to an administrative review without informed consent or understanding of the implications, it could raise concerns about coercion and potentially violate procedural due process. The commenter observed that regulations should ensure that waivers are made voluntarily and with clear communication of consequences.

**Response:** HHSC declines to amend the proposed rule based on this comment. No amendments were made to the existing rule language related to waiving the right to an administrative review. Upon notification of a decision or action for which an administrative review may be requested, the operation is given notification of how to request an administrative review and a clear statement that if the time limit to request an administrative review expires, the right to an administrative review is waived. The rule clearly describes how an administrative review is waived—by either not meeting requirements for requesting the administrative review or by submitting a written statement waiving the right to administrative review. The rule also explains that the consequence of waiving the administrative review is that the decision or action is upheld, and when applicable, HHSC will send notice of the right to a due process hearing.

**Comment:** Based on the proposed language in §745.8813 and §745.8815, the commenter expressed concerns that the rules

could allow actions or decisions that lack a transparent rationale or do not adhere to factual determinations derived from the administrative review process.

**Response:** In response to comments, HHSC has amended §745.8813 to remove a reviewer's option to alter a decision or action during an administrative review. The proposed language in §745.8815 is specifically related to timeframes to issue a decision and provides that good cause must be established for delays.

**Comment:** The commenter expressed concerns that identifying some decisions or actions as ineligible for administrative review could create operational risks for childcare providers without offering recourse.

**Response:** HHSC disagrees with this comment. The proposed rules do not remove any rights to request an administrative review. While some decisions and actions may not be eligible for an administrative review, formal due process is available for such decisions and actions, and no decision or action is final until all due process has been exhausted.

**Comment:** Based on the proposed language in §745.8802, commenters expressed concerns that the rule could unfairly limit the type of records available to the requestor.

**Response:** HHSC disagrees with these comments. The language proposed for new §745.8802, which has been moved to §745.8805, makes clear that copies of HHSC and Texas Department of Family and Protective Services (DFPS) records directly related to the disputed decision or action may be requested, and prescribes the methods and timeline for requesting such records. This section allows requests for records that are relevant to the decision or action that have not already been provided to the operation or received from the operation; when such records are provided, the requestor has all the necessary information to dispute the deficiency or action. Requestors may request records from other sources and may present any relevant evidence at the administrative review.

**Comment:** The commenter expressed concerns that the proposed rules could disproportionately burden smaller child care operations compared to larger operations, and providers and families in communities with fewer child care operations. The commenter expressed concern that such burdens could constitute indirect discrimination.

**Response:** HHSC reviewed and noted the concerns but declines to make changes to the rules based on this comment. In furtherance of the effort to protect all children in care equally, the proposed rules apply equally to all regulated operations without regard to operation funding or geographic location. The reviewer does not uphold or overturn a decision or action based upon operation size or location. The reviewer considers the evidence gathered and determines if the decision or action is appropriate based on applicable laws and rules.

**Comment:** A commenter suggested that the administrative review procedure should take into account the repercussions of citations issued by HHSC. Another commenter suggested that the whole program related to administrative reviews and due process hearings needs to be reviewed and requested advice on how the regulated community can properly help to make changes to increase fairness.

**Response:** These comments did not suggest specific changes to the proposed rules; therefore, HHSC declines to make changes to the rules based on these comments. This rulemaking process

shows that HHSC is reviewing procedures related to administrative reviews and due process hearings and is responding to comments from the regulated community. Furthermore, pursuant to Texas Government Code §2001.021, any interested person may petition HHSC to adopt a rule; procedures for submitting a petition for adoption of a rule to HHSC may be found at 1 TAC §351.2.

Comment: A commenter suggested that in the event that an administrative review results in citation of a different minimum standard deficiency, the requestor should be allowed to request another administrative review to dispute the citation as altered.

Response: In response to comments, HHSC has amended §745.8813 to remove a reviewer's option to alter a decision or action during an administrative review.

Comment: A commenter described a perceived trend of issuance of unwarranted citations, and that such citations are often subsequently overturned. The commenter suggested that such activity may be related to inspectors feeling pressure from management to "find something wrong." The commenter reported hearing that program staff regularly acknowledge that evidence of a cited deficiency is insufficient to meet a preponderance of evidence standard but still issue the citation on the basis that the operation could "just 'AR' it." The commenter suggested that this shows a willingness to issue unwarranted citations without regard to the burdens and expenses incurred by operations that request administrative reviews. The commenter further suggested that it was fundamentally unfair to allow a reviewer to unilaterally change a cited deficiency to a different minimum standard deficiency, and that if evidence does not support the originally cited deficiency, the citation should be overturned rather than altered.

Response: An administrative review allows a requestor an opportunity to present all relevant evidence that the facts do not support a minimum standard deficiency, which could include evidence of an admission by HHSC staff that a citation is not supported by a preponderance of evidence. Additionally, regulated operations that believe they have been cited for a minimum standard deficiency despite a clear statement by inspection staff that the citation is not supported by a preponderance of evidence may file a complaint with the HHSC Office of the Ombudsman. In response to comments, HHSC has amended §745.8813 to remove a reviewer's option to alter a decision or action during an administrative review.

Comment: A commenter expressed concerns that proposed language in §745.8801 could imply that HHSC may impose an enforcement action prior to expiration of due process.

Response: HHSC reviewed and noted the concerns. HHSC clarified the rule language. Most enforcement actions are imposed on operations that, without including all pending administrative reviews, have significant associated risk and have demonstrated failure to comply with standards, rules, and laws. Exceptions are when enforcement actions are taken for emergency purposes, single serious incidents, or determinations of immediate threat. An enforcement action is not final until all due process has been exhausted.

Comment: Related to §745.8803 and §745.8835, a commenter recommended allowing an operation to request an administrative review and due process hearing to dispute a determination of immediate threat made with regard to a person.

Response: HHSC declines to revise the rules based on this comment. Because a person may request an administrative review and due process hearing to dispute a determination that the person poses an immediate threat, HHSC believes it is unnecessary and duplicative to allow the operation to request an administrative review and due process hearing to dispute the determination. This would be especially true in a situation where the person elects to waive the right to an administrative review or due process hearing to dispute the determination. Moreover, a determination that a person poses an immediate threat may be based on information to which the operation does not have access.

Comment: Related to §745.8803, a commenter recommended allowing an operation to request an administrative review to dispute the designation of a controlling person.

Response: HHSC declines to revise the rule based on this comment. Because a person may request an administrative review to dispute the person's designation as a controlling person, HHSC believes it is unnecessary and duplicative to allow the operation to request an administrative review to dispute the designation. Again, this would be especially true in a situation where the person elects to waive the right to an administrative review to dispute the designation.

Comment: Related to §745.8803, a commenter recommended allowing an operation to request an administrative review to dispute the imposition of an administrative penalty.

Response: HHSC declines to revise the rule based on this comment. An operation seeking to dispute the imposition of an administrative penalty may request administrative review of the deficiency for which the administrative penalty is imposed. If the underlying deficiency is overturned, no administrative penalty is imposed. If a deficiency is upheld and an administrative penalty is imposed, the operation can request a formal due process hearing before the State Office of Administrative Hearings (SOAH) to dispute the administrative penalty.

Comment: Related to §745.8803 and §745.8835, a commenter recommended that the operation be allowed to request an administrative review and due process hearing to dispute a determination that the operation poses an immediate threat.

Response: HHSC disagrees with this comment and declines to revise the rules based on this comment. A determination that an operation poses an immediate threat is made in the context of an adverse action. The adverse action may be eligible for an administrative review and due process hearing; exceptions include certain automatic or emergency suspensions or revocations imposed under Chapter 42 of the Texas Human Resources Code. Because the determination of immediate threat is usually based on the same on the same deficiencies and history of non-compliance that inform the intent to take adverse action, HHSC believes that allowing an operation to request an administrative review and due process hearing to dispute the determination that the operation poses an immediate threat would effectively duplicate any due process available to dispute the accompanying adverse action. Pursuant to §745.8875(b), when HHSC revokes or refuses to renew a permit, the operation cannot continue to operate pending the outcome of an administrative review and due process hearing if HHSC has determined that the operation poses an immediate threat. HHSC notes that it usually takes a significant amount of time to proceed through an administrative review and due process hearing; exhausting this process to dispute a determination of immediate threat would not allow for the possibility of more immediate relief to allow continued oper-

ation. Accordingly, HHSC believes it is more appropriate for an operation disputing a determination that the operation poses an immediate threat to seek injunctive relief from a district court in Travis County or in the county where the operation is located as prescribed by §745.8877.

Comment: Related to §745.8803, a commenter recommended striking language that permits non-attorney, subjective determinations that criminal conduct or possible abuse, neglect, or exploitation would support an immediate threat determination.

Response: HHSC disagrees with this comment and declines to revise the rules based on this comment. HHSC disagrees with the contention that determinations of immediate threat are unduly subjective or otherwise inappropriate. The criteria that HHSC considers when making an immediate threat determination are prescribed by §745.751, and HHSC believes that non-attorney program staff are competent to evaluate those criteria in making a determination.

Comment: Related to §745.8805, a commenter recommended that any requirements related to requesting records be combined here and that there should be deadlines by which records must be produced.

Response: HHSC agrees with the comment related to moving the requirements related to requesting records to §745.8805. Proposed new §745.8802 is withdrawn; the language related to requesting records for an administrative review was added to §745.8805.

Comment: Related to §745.8811, a commenter recommended requiring HHSC to specify a good cause determination for a delay HHSC wishes to put into place.

Response: HHSC disagrees with the comment and declines to amend the rule based on this comment. Section 745.8815 discusses "good cause" for the reviewer's delay in preparation of the review decision by reference to the definition in §745.8811(f).

Comment: Comments were received related to §§745.273, 745.8641, 745.9075, 745.9077, 745.9089, 745.9093, and 745.9149.

Response: HHSC declines to make changes. These rules are not part of this rule project.

## **DIVISION 1. ADMINISTRATIVE REVIEWS**

**26 TAC §§745.8801, 745.8803, 745.8805, 745.8807, 745.8809, 745.8811, 745.8813, 745.8815**

### **STATUTORY AUTHORITY**

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code (HRC) §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

#### *§745.8801. Introduction.*

(a) An administrative review is an informal review that determines whether a decision or action was appropriate under applicable laws and rules. An administrative review is not a formal hearing and does not involve formal examination and cross-examination of witnesses.

(b) The scope of an administrative review is based on the specific decision or action that is the subject of the review, as described in the following chart.

Figure: 26 TAC §745.8801(b)

(c) If you request an administrative review to dispute a deficiency, we may consider the deficiency when determining whether to impose an enforcement action and we may issue notice of intent to impose an enforcement action before the person who conducts the administrative review issues a decision on the deficiency. If the person who conducts the review overturns the deficiency, we will consider that outcome when determining whether to continue with the enforcement action and during an administrative review related to the enforcement action.

(d) If you do not waive your right to request an administrative review, we may not finalize any decision or action that is the subject of the review until you exhaust your due process rights concerning the decision or action. However, you may not be able to operate pending due process for some enforcement actions as provided by Division 3 of this subchapter (relating to Operating Pending an Administrative Review and Due Process Hearing).

#### *§745.8805. How to Request an Administrative Review.*

(a) To request an administrative review, a person must submit a written request by regular mail, email, or fax to the name and address indicated in the notification letter or inspection report.

(b) The written request must:

(1) Describe the specific decision or action that the requestor is disputing;

(2) Describe the reasons why the decision or action should not be upheld;

(3) Include any documentation, if applicable, that supports the requestor's position, such as photographs, diagrams, or written and signed statements; and

(4) Be timely.

(c) For a request to be timely:

(1) A mailed request must be postmarked within 15 days after the person receives notification of the right to request an administrative review; or

(2) An emailed or faxed request must be received within the 15 days after the person receives notification of the right to request an administrative review.

(d) When determining whether a request was made timely:

(1) If the notification or inspection report was delivered in person or by email:

(A) Add 15 calendar days to the date the notification or inspection report was delivered; and

(B) Identify the first date after adding the 15 calendar days that is not a Saturday, Sunday, or legal holiday; or

(2) If the notification or inspection report was delivered by regular mail:

(A) Add 18 calendar days to the date the notification or inspection report was mailed (a requestor is presumed to have received the notification or inspection report three days after it was mailed); and

(B) Identify the first date after the 18 calendar days that is not on a Saturday, Sunday, or legal holiday.

(e) Requesting records for an administrative review.

(1) Upon notice of a Texas Health and Human Services Commission (HHSC) decision or action for which you may request an administrative review, you may request a copy of an investigation report or administrator licensure records related to the subject of the administrative review from the following databases. This request must be made before we schedule an administrative review if we determine that the investigation report or administrator licensure records are directly related to the decision or action. Request the report or records from the:

(A) Texas Department of Family and Protective Services Information Management Protecting Adults and Children in Texas; and

(B) HHSC Child-Care Licensing Automation Support System.

(2) HHSC must receive the request under paragraph (1) of this subsection via email or by online submission within the timeframe for requesting the administrative review as described in §745.8805 of this division (relating to How to Request an Administrative Review). You must provide verification to HHSC that you made the records request within the 15-day timeframe.

(3) Except as described in paragraph (4) of this subsection, HHSC will proceed with the administrative review process according to timeframes identified in this subchapter after HHSC has produced documents described in paragraph (1) of this subsection.

(4) HHSC will not delay the administrative review process for you to obtain a record if:

(A) The record is not an investigation report or administrator licensure record from a database listed in paragraph (1) of this subsection;

(B) You did not request the record as described in paragraph (2) of this subsection;

(C) We determine that the record is not directly related to the decision or action that is the subject of the administrative review;

(D) You were provided the record prior to your administrative review request; or

(E) The record is related to a deficiency for which you waived the right to an administrative review under §745.8805 of this division or that was upheld prior to the request.

*§745.8813. Administrative Review Decisions and Actions.*

(a) The person conducting an administrative review may uphold or overturn the decision or action.

(b) If the telephone conference or meeting did not occur for a reason outlined in §745.8811(d) of this division (relating to Conducting an Administrative Review), the person conducting the administrative review will base the decision to uphold or overturn the decision or action on the written request for a review, any supporting documentation submitted with the request, and any other information that the person gathered.

(c) If the person conducting the administrative review overturns the decision or action, the Texas Health and Human Services Commission (HHSC) will update HHSC records to reflect the change.

(d) If the requestor has the right to request a due process hearing related to the upheld decision or action, the upheld decision or action will be the subject of the hearing.

(e) If the requestor does not have the right to request a due process hearing, the upheld decision or action will be final.

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 25, 2025.

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Proposal publication date: February 14, 2025

For further information, please call: (713) 287-3260



## DIVISION 2. DUE PROCESS HEARINGS

### 26 TAC §745.8835

#### 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 services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code (HRC) §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

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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## TITLE 34. PUBLIC FINANCE

### PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

#### CHAPTER 41. HEALTH CARE AND INSURANCE PROGRAMS

##### SUBCHAPTER A. RETIREE HEALTH CARE BENEFITS (TRS-CARE)

#### 34 TAC §41.12

The Board of Trustees of the Teacher Retirement System of Texas (TRS) adopts amended §41.12 (relating to Relating to the Alternative Plan for Medicare-Eligible Participants and Medicare Part B Requirement) of Subchapter A, Chapter 41, Title 34, Part 3, of the Texas Administrative Code with a change to the proposed text as originally published in the May 9, 2025, issue of

the *Texas Register* (50 TexReg 2750), and the rule will be republished.

#### REASONED JUSTIFICATION

TRS adopts the amendments to §41.12 to close new enrollment to the TRS-Care Alternative Plan. The TRS-Care Alternative Plan, offered under §1575.158(d) of the Insurance Code and administered under Chapter 1575 of the same, no longer offers value to TRS retirees and their eligible dependents due to various factors.

First, the TRS-Care Alternative Plan was originally established to address members who lacked adequate access to TRS-Care Medicare Advantage (TRS-Care MA) providers. However, the TRS-Care MA network has since expanded significantly, and the initial justification for the TRS-Care Alternative plan ceases to exist.

Second, TRS established the TRS-Care Alternative Plan to help offset the financial burdens imposed on Medicare-eligible TRS members by federal laws such as the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These provisions negatively impacted Social Security benefits for public school retirees. Because Part B premiums are deducted from Social Security payments, public school retirees affected by these provisions waived Part B coverage when they first became eligible. Members who did not obtain Part B coverage when first eligible faced increasingly higher premiums over time. Since Part B coverage is required for participation in TRS-Care MA, forcing these retirees to get Part B coverage to be able to enroll in TRS-Care MA could be cost-prohibitive for them. Therefore, the TRS-Care Alternative Plan was designed to support these members. However, with the recent repeal of the GPO and the WEP, the TRS-Care Alternative Plan no longer serves this purpose.

Amended §41.12 establishes that the TRS-Care Alternative Plan will be closed to new enrollment on January 1, 2026. TRS-Care eligible members who meet the current requirements of the TRS-Care Alternative Plan may be enrolled in the program until December 31, 2025. All existing members of the TRS-Care Alternative Plan on January 1, 2026, will be grandfathered into and may remain in the program.

Beginning January 1, 2026, TRS will require Medicare-eligible retirees and their dependents to purchase and maintain Medicare Part B coverage to enroll in and remain in a TRS-Care program. This applies to both new TRS-Care enrollees and those transitioning from TRS-Care Standard to TRS-Care MA due to their new Medicare eligibility.

The change to the proposed text, as originally published in the May 9, 2025, issue of the *Texas Register* (50 TexReg 2750), remedies an inadvertent, nonsubstantive deletion of the term "Medicare-" from the title of the proposed amended rule. The change corrects this inadvertent deletion by reinstating the term "Medicare-" before "Eligible" in the title of amended §41.12.

#### COMMENTS

No comments on the proposed adoption were received.

#### STATUTORY AUTHORITY

Amended §41.12 is adopted under the authority of Chapter 1575 of the Insurance Code, which establishes the Texas Public

School Retired Employees Group Benefits Act (TRS-CARE), §1575.052, which allows the trustee to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1575; Chapter 825, Government Code, which governs the administration of TRS, and §825.102 of the Government Code, which authorizes the Board of Trustees to adopt rules for the transaction of its business.

#### CROSS-REFERENCE TO STATUTE

Amended §41.12 implements Insurance Code §1575.158(d), concerning Group Health Benefit Plans.

*§41.12. Relating to the Alternative Plan for Medicare-Eligible Participants and Medicare Part B Requirement.*

(a) Enrollment in the Alternative Plan. Up to and including December 31, 2025, an individual is eligible to enroll in the Alternative Plan offered under TRS-Care if:

- (1) the individual is eligible to enroll in TRS-Care; and
- (2) the individual is eligible for Medicare and either:

(A) does not have reasonable access to a particular provider, as determined by TRS; or

(B) as of January 1, 2018, does not have Medicare Part B coverage and the individual's ability to obtain Medicare Part B coverage is cost prohibitive, as determined by TRS.

(b) Closing Enrollment in the Alternative Plan. Effective January 1, 2026, new enrollees under TRS-Care will no longer be eligible for the Alternative Plan described under subsection (a) of this section.

(c) Medicare Part B Requirement. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children who are eligible to enroll in Medicare and desire to enroll in or stay in a TRS-Care plan must have and maintain Medicare Part B coverage.

(1) High Deductible Health Plan Transition. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children enrolled in the high deductible health plan offered under TRS-Care who turn age 65 and are eligible to enroll in Medicare must have and maintain Medicare Part B coverage to transition into the Medicare Advantage plan and the Medicare prescription drug plan offered under TRS-Care. These enrollees have until the end of their Medicare Initial Enrollment Eligibility Period (IEP) to secure Medicare Part B coverage in order to transition into the Medicare Advantage plan and the Medicare prescription drug plan offered under TRS-Care. Enrollees that fail to secure Medicare Part B coverage within this period shall be terminated from the TRS-Care program.

(2) Continued Enrollment in the TRS-Care Medicare Advantage Plan. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children enrolled in the Medicare Advantage Plan offered under TRS-Care who terminate or lose their Medicare Part B coverage no longer meet TRS-Care eligibility criteria and shall be terminated from the TRS-Care program as soon as TRS is notified of the Part B coverage loss by CMS.

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 22, 2025.

TRD-202502566

Don Green  
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Teacher Retirement System of Texas  
Effective date: August 11, 2025  
Proposal publication date: May 9, 2025  
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